

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 19, 1961

The House met at 12 o'clock noon.

The Reverend Dr. Charles J. Harth, vicar, Episcopal Church of St. Barnabas, Baltimore, Md., offered the following prayer:

Almighty God, our Heavenly Father, the fountain of all wisdom, at the start of another week we approach Thee in deep humility, asking for Thy guidance and direction.

Thou who art the source of all power and might, look, we beseech Thee, with Thy most gracious favor upon these men and women who are the chosen representatives of the people of our beloved country. Thou who art the way, the truth, and the life, lead them along the path of righteousness. Grant them vision and imagination, strength and courage, to do Thy will to the glory of Thy kingdom and to the advancement of Thy people. May their deliberations be conducted in a spirit of mutual understanding, harmony, and peace to the establishment of welfare, justice, and liberty among all generations.

We give Thee hearty thanks, O gracious Lord, for all the blessings bestowed upon us in the past, and pray for Thy continual favor in the days to come.

O merciful Saviour, inspire us all to outthink, outdo, and outlove Thine enemies who are ours, and keep us aware of Thy everlasting presence. Free us, Divine Master, we pray Thee, of earthly fears and anxieties, and help us while facing our responsibilities to be true and faithful servants of Christ, giving loving service to our fellow men in His holy name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, June 15, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 7218. An act to provide that the authorized strength of the Metropolitan Police force of the District of Columbia shall be not less than 3,000 officers and members.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6713. An act to amend certain laws relating to Federal-aid highways, to make certain adjustments in the Federal-aid highway program, and for other purposes.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon and appoints as conferees on the part of the Senate on title I (Federal-aid highway program) Mr. KERR, Mr. McNAMARA, Mr. RANDOLPH,

Mr. CASE of South Dakota, and Mr. COOPER; and as conferees on title II (Internal Revenue Code and highway trust fund amendments) Mr. BYRD of Virginia, Mr. KERR, Mr. LONG of Louisiana, Mr. WILLIAMS of Delaware, and Mr. CARLSON.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 158. An act to confer upon the domestic relations branch of the municipal court for the District of Columbia jurisdiction to hear and determine the petition for adoption filed by Marie Taliaferro;

S. 558. An act to amend the Acts of March 3, 1901, and June 28, 1944, so as to exempt the District of Columbia from paying fees in any of the courts of the District of Columbia;

S. 559. An act to amend the District of Columbia Traffic Act, 1925, as amended;

S. 561. An act to amend the act relating to the small claims and conciliation branch of the municipal court of the District of Columbia, and for other purposes;

S. 564. An act to provide for apportioning the expense of maintaining and operating the Woodrow Wilson Memorial Bridge over the Potomac River from Jones Point, Va., to Maryland;

S. 588. An act to amend the Act of May 29, 1930, in order to increase the authorization for funds for the extension of certain projects from the District of Columbia into the State of Maryland, and for other purposes;

S. 884. An act to authorize the Secretary of Commerce to procure the services of experts and consultants;

S. 1291. An act to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits;

S. 1371. An act to amend subsection (e) of section 307 of the Communications Act of 1934, as amended, to permit the Commission to renew a station license in the safety and special radio services more than 30 days prior to the expiration of the original license;

S. 1644. An act to provide for the indexing and microfilming of certain records of the Russian Orthodox Greek Catholic Church in Alaska in the collections of the Library of Congress; and

S. 1651. An act to authorize the Commissioners of the District of Columbia to delegate the function of approving contracts not exceeding \$100,000.

S. Con. Res. 23. Concurrent resolution to print additional copies of part I of hearing on migratory labor;

S. Con. Res. 24. Concurrent resolution relating to printing of publications of the Internal Security Subcommittee of the Senate Committee on the Judiciary; and

S. Con. Res. 27. Concurrent resolution authorizing the printing as a Senate document of the proceedings of the National Water Research Symposium.

PUBLIC BUILDINGS PROSPECTUSES

The SPEAKER laid before the House the following communication, which was read and referred to the Committee on Appropriations:

JUNE 15, 1961.

HON. SAM RAYBURN,
Speaker of the House,
The Capitol,
Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959, the Committee on Public Works of the House of Representatives approved on June 14, 1961, prospectuses for the following public building projects

which were transmitted to this committee from the General Services Administration:

LOCATION AND TYPE

California, Long Beach area: Customhouse Building.

California, Calexico: Border patrol station.

Florida, Jacksonville: FOB.

Florida, Marianna: PO CT (CR).¹

Florida, St. Petersburg: FOB.

Idaho, Porthill: Border station.

Iowa, Des Moines: FOB.

Kentucky, London: CT FOB (CR).¹

Kentucky, Louisville: FOB.

Kentucky, Louisville: PO CT CU (CR).¹

Kentucky, Owensboro: PO CT (CR).¹

Louisiana, New Orleans: PO CT (CR).¹

Louisiana, New Orleans: FOB (CR).¹

Maine, Houlton: BP Sec. Hq.²

Michigan, Detroit: PO CT (CR).¹

Michigan, Grand Rapids: PO CT (CR).¹

Michigan, Sault Ste. Marie: Border station.

Minnesota: Pigeon River: Border station.

Minnesota, St. Paul: CT FOB.

Nebraska, Grand Island: PO CT (CR).¹

New Hampshire, Concord: PO CT.

North Carolina, Fayetteville: PO CT.

North Dakota, Grand Forks: PO CT (CR).¹

Oklahoma, Oklahoma City: PO CT (CR).¹

Oregon, Roseburg: PO Etc. (CR).¹

Pennsylvania, Harrisburg: CT FOB.

Pennsylvania, Philadelphia: CT FOB.

Texas, Del Rio: BP Sec. Hq.²

Texas, Del Rio: Border station.

Texas, Fort Worth: FOB.

Texas, Houston: PO CT (CR).¹

Virginia, Charlottesville: HEW Building.

Washington, Spokane: CT FOB.

District of Columbia: FOB No. 5.

Total, 34 projects.

Sincerely yours,

CHARLES A. BUCKLEY,

Member of Congress, Chairman,

Committee on Public Works.

PUBLIC BUILDINGS ALTERATION PROJECTS PROSPECTUSES

The SPEAKER laid before the House the following communication, which was read and referred to the Committee on Appropriations:

JUNE 15, 1961.

HON. SAM RAYBURN,
Speaker of the House,
The Capitol, Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959, the Committee on Public Works of the House of Representatives approved on June 14, 1961, prospectuses for the following alteration projects which were transmitted to this committee from the General Services Administration:

LOCATION AND TYPE

California, Sacramento, PO CT (revised).

California, San Francisco, Appraisers Building.

District of Columbia, Agriculture South Building.

District of Columbia, Treasury Building.

Illinois, Chicago, 536 S. Clark Street Building.

Illinois, Chicago, Main Post Office.

Illinois, Chicago, Railroad Retirement Board Building.

Maryland, Bethesda, National Institutes of Health.

Minnesota, Minneapolis, FOB.

Minnesota, Minneapolis, PO and Garage (two buildings).

New Jersey, Jersey City, PO.

New York, New York City, General Post Office.

¹ Conversion and remodeling of existing building.

² Border patrol sector headquarters.

New York, New York City, General PO and Morgan Annex.
 New York, New York City, FOB, Vesey Street.
 Oregon, Portland, CT.
 Oregon, Portland, Interior Building.
 Pennsylvania, Philadelphia, Penn AC Building.
 Pennsylvania, Philadelphia, 5000 Wissahickon Avenue.
 Pennsylvania, Pittsburgh, PO CT (new).
 Tennessee, Knoxville, PO CT.
 Texas, Dallas, 1114 Commerce Street Building.
 Virginia, Arlington, Pentagon Building.
 Total, 22 projects.
 Sincerely yours,
 CHARLES A. BUCKLEY,
*Member of Congress, Chairman,
 Committee on Public Works.*

THE LATE HONORABLE GEORGE H. BENDER

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. BROWN].

Mr. BROWN. Mr. Speaker, I ask unanimous consent that at the conclusion of my remarks all Members desiring to do so have 5 legislative days in which to extend their remarks at that point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

Mr. BROWN. Mr. Speaker, it becomes my sad duty as chairman of the Republican delegation in the House from Ohio to announce the death of one of our former colleagues, the Honorable George H. Bender. Mr. Bender died suddenly of a heart attack late Saturday night or early Sunday morning at his home in Chagrin Falls, Ohio. He would have been 65 in September.

He had a long and distinguished career in public life. As a youngster, on the streets of Cleveland, he was very active in support of the candidacy of Theodore Roosevelt for President in 1912. In 1920 he was elected to the Ohio State Senate, where he served with considerable distinction for 10 years, and where I first learned to know him as I was Lieutenant Governor and presiding officer of the senate at that time.

In 1938 George was elected to the U.S. House of Representatives as Congressman-at-Large from Ohio and served in this Chamber for 14 years. In 1954 he was elected to the short term in the U.S. Senate to succeed his lifelong friend, Senator Robert A. Taft of Ohio, and served 2 years in that body.

During the time Senator Taft was engaged in political life in our State, Senator, or Congressman, Bender, as most of us knew him, was most active in behalf of Mr. Taft's various campaigns for the Senate and for the nomination for President.

George Bender was a man of strong beliefs. He was an excellent speaker and debater. He was a truly great campaigner. He took an active part in every phase of political life. For many years he served both as a precinct committeeman in his own home county of Cuyahoga and as chairman of its Republican executive and central committees, which, of course, is the largest county in our State.

Mr. Speaker, George Bender was an affable and generous man. He was a friendly man. He made a great many friends on both sides of the aisle during his service here in the Congress. The news of his sudden death came, of course, as a shock to all of us.

He leaves behind him a wonderful wife, whom many Members have had the privilege of knowing personally. Mrs. Bender has been seriously ill in a Cleveland hospital, and up to this time has not been informed of her husband's death. Besides his widow, George leaves two daughters and several grandchildren. One of his daughters is the wife of our reading clerk, Joe Bartlett.

The funeral services for Mr. Bender will be held at Chagrin Falls at 2:30 on Wednesday afternoon of this week. I am sure all the membership of this House, as well as of the other body, join me and the other Members of the Ohio delegation in offering to his widow, to his children, and to his grandchildren our deepest sympathy in the great loss which has been theirs.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I am glad to yield to the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, it was with deep regret that I heard the news announcing the death of my good friend, George Bender. As the gentleman from Ohio [Mr. BROWN] has so well and ably said:

George Bender had a long and distinguished career in public life. He was affable and friendly.

George Bender and I became very close friends from the time that he first became a Member of this House. Every thought in his mind was big in his relationship to his fellow man. George Bender had many outstanding attributes that commanded the respect of all of us. In the field of human relationship there was no thought in his mind other than that which was noble, broad, and understanding.

I shall miss him very much. He has made his imprint upon the legislative history of our country. I join with the Ohio delegation in extending my deep sympathy, and I know I speak the sentiments of all Members, to Mrs. Bender and her loved ones in their bereavement.

Mr. BROWN. I thank the gentleman.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Speaker, it was with a sincere and deep feeling of personal loss that I read in the paper this morning of the passing of our late colleague, George Bender. George and I were close personal friends. We were friends here, we were friends in Cleveland, where I had occasion to be with him numerous times. George Bender had the respect of his colleagues here in the House as he had the respect and the friendship of the people he was privileged to represent here in his service in the Congress of the United States. It is indeed a sad thing that he has been taken from us at this time. He brought great enthusiasm to everything that he

did. He was sincere, he was honest, his word was good, he was a man of integrity. We shall all miss him very, very much.

Mr. BROWN. I thank the gentleman.

Mr. SCHENCK. Mr. Speaker, I would like to associate myself with the remarks made by my distinguished colleague from Ohio [Mr. BROWN], in expressing my shock and sorrow over the untimely death of our former colleague, George H. Bender.

My first real contact with George Bender came during the election in 1950. I found him to be an indefatigable campaigner who worked from early until late each and every day and who was so ably assisted by his charming wife. George Bender literally bubbled over with enthusiasm and work for the causes in which he believed. He had unbounded confidence and faith in his own convictions and never hesitated to express his thoughts in a most forceable manner.

Later, when I also became a Member of the House of Representatives, I found George Bender always completely willing to express his views and opinions.

Later when George Bender left the House of Representatives and became a U.S. Senator, I found him to be a willing helper in my efforts and the efforts of our colleague, the Honorable CLARENCE J. BROWN, when we tried to make sure that the wonderful facilities and highly skilled personnel on Wright Patterson Air Force Base were used to the highest and best use of our Nation.

I was shocked when I was informed Sunday of his unexpected and untimely death. With the passing of George Bender a colorful era in Ohio politics has come to an end. Mrs. Schenck and I express our sincere sympathy to his lovely wife, his daughters, and his grandchildren.

We also express our very sincere best wishes for a speedy and complete return to good health for his widow, Edna Bender, who is presently seriously ill in the hospital.

Mr. MINSHALL. Mr. Speaker, it was with great shock and sorrow that I learned this morning of the death of the Honorable George Harrison Bender, a man who truly gave his entire life in his country's service. From his schooldays to his death, he was an active political campaigner. Actually, he was in politics at the age of 15, when in 1912 he was an ardent Bull Mooser, even though he could not vote. His interest in politics was further awakened by Theodore Roosevelt, and he worked vigorously on the Rough Rider's reelection to the Presidency with all the enthusiasm of a schoolboy's aroused heart. That enthusiasm remained ardent for over 40 years.

He was distinct in having served in all levels of government—local, State, and Federal, and, in the latter, in both Houses of the Congress. He was most noted when he campaigned for the late Robert A. Taft's nomination for the Presidency.

George Bender was the youngest man to serve in the Ohio State Legislature—serving in that office at the incredibly youthful age of 21.

He had been engaged in numerous business ventures, and at the time of his death was engaged in an insurance business with offices in Cleveland, Ohio. He was my distinguished predecessor as Representative of the 23d District; upon the death of his beloved Senator Taft, he filled out Taft's term of office.

With the death of George Bender, the Nation has lost a colorful, vigorous supporter of a conservative cause, and one of the Republican Party's most loyal members.

George Bender's death cut short his plans to again be a candidate for public office. Only a few weeks ago he obtained petitions to run as a candidate for the Republican nomination for U.S. Senator or Congressman at large at the 1962 primaries. We all know that George Bender would have been in there to win and would have given it his all. We will miss George, and the Republican Party loses one of its most tireless, devoted, and fervent workers.

My deepest sympathies to his widow, Mrs. Edna Bender, and to their two charming daughters, Mrs. Dorsey Joe Bartlett and Mrs. Ernest B. Stevenson.

Mr. ARENDS. Mr. Speaker, God in His wisdom has called home to eternal rest one of our former colleagues and a good friend of all of us who were privileged to know him. While I know that the Maker of all of us has set a day to come home for each of us, I cannot but be deeply distressed with the passing of George Bender.

George impressed me as a man of unlimited energy and drive. Everything he did, he did with enthusiasm and vigor. He was a determined and tireless advocate of things in which he believed. That is one of the reasons he accomplished so much as a U.S. Senator and as a Member of this House from Ohio. His many accomplishments will be a lasting monument to him.

Everyone who serves in the Congress likes people. If we did not, we would not be here, or should not be. But George Bender was one of the rare individuals that literally radiated a personal interest in you, whoever you were, that was instantly felt upon meeting him. He was indeed "a friend to man."

I extend to his wife and family my deepest sympathy. Our loss is great. Theirs is greater. May they find some consolation in the knowledge that this loss of a truly fine man is widely shared by countless many.

Mr. FEIGHAN. Mr. Speaker, It was with deep regret that I learned of the sudden passing of our former colleague, George H. Bender.

It was my privilege to know George for over a quarter of a century. I considered George a close personal friend. George was highly respected by his colleagues because his word was his bond. He was a militant fighter for the cause of social justice and human freedom. George was a dedicated and enthusiastic public official whose warm personality generated good will and good fellowship. He was steadfast in his political beliefs.

I am deeply saddened by the death of my long time good friend and I extend to his widow and daughters my deepest sympathy in their bereavement.

Mr. AYRES. Mr. Speaker, the American political scene in the passing of George Bender has lost one of its most interesting personalities. He will be remembered for many things. I shall always remember him as a loyal friend. I first met George in 1950. He was running for Congressman at large from the State of Ohio. He was campaigning just as hard for the late Senator Taft as he was for himself. I shall never forget his speeches during that campaign when he said over and over again: "I hope you will vote for George Bender but if you are only going to vote for one Republican, scratch me in favor of Bob Taft."

Had it not been for the tireless effort of George Bender, Ohio probably would still have straight-ticket voting. Had there been no change prior to the election of 1950 I probably would not have been elected to Congress. George Bender's fine qualities were missed by many. One had to know him well to appreciate his devotion.

I extend my deepest sympathy to the family.

Mr. CHENOWETH. Mr. Speaker, I was deeply shocked and saddened when I learned of the passing of our former colleague, George Bender. I wish to extend sincere sympathy to our colleagues from Ohio, and to join in paying tribute to the memory of our beloved colleague.

George Bender was a Member of the House when I was first elected. He came to the House 2 years before I did. I was happy to have George as a friend, and I greatly enjoyed my association with him in this body. He had a most kind and genial disposition and made friends with everyone. He was truly a Christian gentleman.

I considered George Bender an outstanding Member of the House, and a most devoted public servant. He was sincere and conscientious in all that he did. We need more men like him in public life.

The passing of George Bender is an irreparable loss to the State of Ohio and to the Nation. I have not seen him recently and I know nothing of any political plans he may have had. However, he was a fine citizen and was a leader in every good movement. The world is a better place in which to live because of George Bender.

I wish to extend my sincere sympathy to the widow and the other members of his family.

Mr. VANIK. Mr. Speaker, I want to take this opportunity to express my profoundest sympathy to the family of the late Senator George H. Bender on his untimely passing.

Senator George Bender served with great distinction in this House and in the Senate. He was devoted to his many public duties and gave generously of his time and energy to thousands of his constituents. Unlike most legislators, he sought out the excitement of controversy—he never missed a good debate. This characteristic endeared him to his colleagues and his countless friends and admirers in Cleveland, in Ohio, and throughout the Nation.

Mr. PHILBIN. Mr. Speaker, I am greatly shocked and deeply grieved to learn of the untimely passing of my dear

and esteemed friend, Hon. George H. Bender.

For years Senator Bender served faithfully and effectively in the House and the other body. During much of that period, it was my high privilege to know and come to esteem him.

Like many other Members of the Congress I came to regard him as a fine, warmhearted humane gentleman, a public servant deeply imbued with love of his country and love of his fellow man, devoted to his country, loyal to his friends.

George Bender was deeply interested in people and their problems and thus he possessed a natural aptitude for the public service.

Of unbounded energy and exuberant enthusiasm, it was his custom to throw himself into every cause with tremendous nerve and éclat. He was virtually a human dynamo endowed with seemingly untiring zeal and energy, virtually a human highly gifted with many of the attributes of perpetual motion. Once committed to an objective, he was literally irrepressible and never rested easy until some conclusion or decision was reached.

George Bender moved in a wide circle and had many friends in all walks of life, in all groups, in both political parties.

He was strongly committed to fundamental political and spiritual principles in which he believed, and had a loyalty to his friends that endeared him to all who knew him and won for him widespread respect and repute.

Able, zealous, energetic, patriotic, strong in conviction, warm and personable in personal relationships, kind and generous in nature, George Bender will long be remembered in the Congress for his fidelity to duty, his many contributions and his warmth and loyalty to his friends.

With a heavy heart, I tender my deepest sympathy to his sorely bereaved family and the people of his great State.

I hope and pray that his family may find in their trust in the living God comfort and consolation in this period of grievous loss.

May George Bender find peace and rest in his heavenly home.

Mr. KIRWAN. Mr. Speaker, it was with profound regret that we learned of the passing of our former colleague George Bender. Our deepest sympathy is extended to his wife and children in their sad bereavement.

George Bender was a faithful, loyal friend. He worked tirelessly and diligently for the people of Ohio and our Nation and served them to the best of his ability.

He leaves a host of friends who with his loved ones, will cherish his memory and good deeds.

Mr. McCULLOCH. Mr. Speaker, I am sorry, indeed, that our longtime colleague in House and Senate, the Honorable George H. Bender, has passed away.

I first became acquainted with George Bender when he was the youngest, most colorful and effective member of the Ohio Senate.

George Bender was a resourceful, imaginative and tireless legislator.

Many laws, both State and Federal, show the good effect of his interest therein and work thereon.

George Bender's lovely wife, and his fine family, including our excellent reading clerk, Joe Bartlett, all have my deepest sympathy.

Mr. O'HARA of Illinois. Mr. Speaker, in the passing of the Honorable George Bender I have lost a personal friend. Although we were of opposite political parties, I found him, in our associations together in this body, kindly, understanding and always willing to help a colleague or a friend. Wherever he went he projected good cheer, and his smile was as penetrating as the sunshine itself. I shall miss him. To his devoted family I extend my warmest sympathy.

Mr. FISHER. Mr. Speaker, the sudden passing of George Bender has shocked and saddened his host of friends everywhere. It was my privilege to serve with George for several years in the House of Representatives. He was later elected by the people of Ohio to represent them in the U.S. Senate. His entire career was one devoted to the people and to their well being.

As an individual George Bender possessed many unique qualities. He was affable and personable, and was gifted with a personality that literally sparked. His sense of humor was a part of his life. He was big hearted, generous, always unselfish.

George was my friend, and I was proud of that friendship. Above everything he was sincere. He was never a pretender. It was but natural that some would disagree with him, but they knew precisely where he stood. When singing "Bringing in the Sheaves" or when telling a witty story, George was always beaming and enjoying himself. He got a lot out of life, and he gave a lot.

To Mrs. Bender and the other members of his bereaved family I extend my deepest sympathy.

MR. ROBERT F. WOODWARD

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MARSHALL. Mr. Speaker, the President of the United States has indeed made a wise choice in nominating Mr. Robert F. Woodward to be the Assistant Secretary of State for Inter-American Affairs.

As a career diplomat, Mr. Woodward's excellent record of service admirably equips him for the important duties he will assume. He has served in consular and embassy posts in Argentina, Paraguay, Colombia, Brazil, Bolivia, Guatemala, and Cuba. He has served as Ambassador to Costa Rica, Uruguay, and Chile.

This wide experience makes him one of the best informed men on hemispheric relations. He is a working diplomat who is both imaginative and realistic in implementing the policies of the United

States. There are few Americans who understand so well the problems and aspirations of our South American neighbors.

He is a person-to-person diplomat who can wear with equal ease the striped pants of officialdom and the working clothes of the man in the street and in the fields. In the words of Kipling, "He can walk with kings and still not lose the common touch."

The President has assigned him a man-sized task, and he is the man to do it if it can possibly be done. Without fuss or fanfare, he will roll up his sleeves and get down to the job at hand.

The United States, as well as our Central and South American friends, will benefit from his first-rate intelligence and capacity for action. He will be ably assisted by his charming and able wife. To both of them, I extend my personal congratulations and best wishes.

I also congratulate the President on his choice for this important post; a better selection could not have been made.

THE LATE HONORABLE GEORGE H. BENDER

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JENSEN. Mr. Speaker, I was shocked and deeply grieved to learn of the passing of our former colleague and our esteemed friend, the Honorable George Bender, of Ohio.

George Bender was the friend of man, a patriotic American gentleman of the highest order.

My heart goes out to his good wife and family. May the same God who took George Bender to his heavenly home give his loved ones strength to bear the great loss they have suffered. God rest his soul.

RECEPTION OF PRIME MINISTER OF JAPAN ON THURSDAY, JUNE 22, 1961

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, June 22, 1961, for the Speaker to declare a recess for the purpose of receiving the Prime Minister of Japan.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMITTEE ON EDUCATION AND LABOR

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor and all subcommittees thereof may be permitted to sit during general debate this week.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEGISLATIVE PROGRAM—H.R. 4591, SUSPENSION OF DUTIES ON METAL SCRAP

Mr. McCORMACK. Mr. Speaker, I desire to announce that the distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas [Mr. MILLS] will make a unanimous consent request tomorrow for the consideration of the bill (H.R. 4591) a bill to continue until the close of June 30, 1962, the suspension of duties on metal scrap, and for other purposes.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, no quorum is present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 84]

Adair	Gialmo	Multer
Alexander	Glenn	Murphy
Alger	Grant	Nelsen
Anfuso	Gray	Norrell
Baker	Green, Oreg.	O'Neill
Baring	Hagan, Ga.	Osmer
Barry	Hardy	Poage
Bass, N.H.	Harrison, Va.	Powell
Blitch	Healey	Reifel
Bonner	Henderson	Rhodes, Ariz.
Brademas	Hoffman, Ill.	Rivers, Alaska
Brewster	Hollfield	Rivers, S.C.
Brooks, La.	Hosmer	Roberts
Broomfield	Hull	Roosevelt
Buckley	Jarman	Rousselot
Carey	Keogh	St. Germain
Cederberg	Kilburn	Santangelo
Clancy	Kitchin	Shriver
Clark	Kluczynski	Siler
Cramer	Lalrd	Springer
Davis,	Lesinski	Staggers
James C.	Loser	Steed
Dawson	McSween	Stephens
Dole	Macdonald	Taber
Dooley	MacGregor	Teague, Tex.
Downing	May	Thompson, La.
Edmondson	Meador	Tuck
Evins	Morrow	Wharton
Farbstein	Miller, Clem	Willis
Findley	Miller, N.Y.	Wright
Fino	Monagan	Young
Flynt	Morrison	
Fogarty	Moulder	

The SPEAKER pro tempore [Mr. MILLS]. On this rollcall 340 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONSENT CALENDAR

The SPEAKER pro tempore. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

DELAWARE RIVER BASIN COMPACT

The Clerk called the joint resolution (H.J. Res. 225) to grant the consent of Congress to the Delaware River Basin Compact and to enter into such compact on behalf of the United States, and for related purposes.

Mr. WALTER. Mr. Speaker, application has been made for a rule on this

joint resolution. I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OF SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

The Clerk called the bill (H.R. 5751) to amend the Subversive Activities Control Act of 1950 so as to require the registration of certain additional persons disseminating political propaganda within the United States as agents of a foreign principal, and for other purposes.

Mr. WALTER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. LINDSAY. I object, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. LINDSAY. I object to the consideration of the bill, Mr. Speaker.

BRIDGES TO BE CONSTRUCTED ACROSS THE MISSISSIPPI RIVER

The Clerk called the bill (H.R. 5963) to amend the General Bridge Act of 1946 with respect to the vertical clearance of bridges to be constructed across the Mississippi River.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROVIDING PROTECTION FOR THE VICE PRESIDENT, VICE PRESIDENT ELECT AND FORMER PRESIDENT

The Clerk called the bill (H.R. 6691) to amend title 18, United States Code, sections 871 and 3056, to provide penalties for threats against the successors to the Presidency, to authorize their protection by the Secret Service, and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

EFFECTIVE TIME OF DISCHARGE OR RELEASE OF VETERANS

The Clerk called the bill (H.R. 6269) to extend the provisions for benefits based on limited periods immediately following discharge from active duty after December 31, 1956, to veterans discharged before that date.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 106(c) of title 38, United States Code, is amended to read as follows:

"(c) For the purposes of this title, an individual discharged or released from a period of active duty shall be deemed to have continued on active duty during the period of time immediately following the date of such discharge or release from such duty determined by the Secretary concerned to have been required for him to proceed to his home by the most direct route, and in any event he shall be deemed to have continued on active duty until midnight of the date of such discharge or release."

SEC. 2. No monetary benefits shall accrue by reason of the amendments made by this Act for any period prior to the date of enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSPORTING BODIES OF DECEASED VETERANS

The Clerk called the bill (H.R. 7148) to equalize the provisions of title 38, United States Code, relating to the transportation of the remains of veterans who die in Veterans' Administration facilities to the place of burial.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 903(b) is amended to read as follows:

"(b) In addition to the foregoing, when such a death occurs in a State, the Administrator shall transport the body to the place of burial in the same, or any other State. For the purposes of this subsection the term 'State' includes the Canal Zone."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAND CONVEYANCE TO TRINITY COUNTY, CALIF.

The Clerk called the bill (H.R. 2249) to authorize the Secretary of Agriculture to convey certain property in the State of California to the county of Trinity.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FORD. Reserving the right to object, Mr. Speaker, I should like to ask the author of the bill what the justification is in this instance for the proposed transfer without consideration to the Federal Government?

Mr. JOHNSON of California. Mr. Speaker, last session we passed this bill in the House. The facts behind this transfer are these: The county deeded to the Federal Government 12 acres for the construction of a Forest Service headquarters in Trinity County. Since that time a highway has moved through a part of this property and there is a half-acre parcel separated from the original parcel deeded by the County of Trinity to the Forest Service. The Board of Supervisors are asked for this half-acre back. This land was originally given by the county, 12 acres. Since the highway separated this property there is a half-acre left. Now the county wants

to place a fire house on this small parcel of land.

Mr. FORD. Several years ago we said that no transfer from the Federal Government to other governmental agencies should be made unless a fair and equitable compensation was paid. At the same time we took cognizance of the kind of situation which the gentleman describes, where these local Government agencies have donated the land or part thereof in the first place to the Federal Government and where the land would now be transferred back to the local governing body.

Based on that fact, that this is a re-transfer to the local government by the Federal Government, which was given the land in the first instance, this seems to be an adequate justification for the transfer without compensation at this time.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to convey by quitclaim deed, without consideration, to the county of Trinity, State of California, all the right, title, and interest of the United States in and to the following described lands, which were conveyed to the United States by deed dated April 28, 1934, and recorded in book 53, page 186, in the records of the county of Trinity, California:

PARCEL A: All the fractional portion of lot numbered 2 in block numbered 13 of the townsite of Weaverville, Trinity County, California, described as:

All that portion of said lot numbered 2 lying northeasterly of a line parallel to and 50 feet northeasterly of the centerline of State highway, and is more particularly described as beginning at a point on the southeast boundary of said lot numbered 2, north 31 degrees 43 minutes east, 50.44 feet from the centerline of State highway at engineers' station 806+89.71, said station being a point south 31 degrees 43 minutes east, 92.14 feet from the easterly corner of said lot numbered 2, thence from the point of beginning first north 31 degrees 43 minutes east 41.70 feet to the easterly corner of said lot 2; second north 70 degrees 02 minutes west, 122.69 feet on the boundary of said lot 2; third north 62 degrees 33 minutes west, 26.54 feet on boundary of said lot 2; fourth from a tangent bearing south 54 degrees 47 minutes 21 seconds east along a 1,900-foot radius curve to the right through a central angle of 4 degrees 26 minutes 42 seconds, a distance of 147.34 feet to the point of beginning. Excepting that portion of the above described parcel that part within the boundary of the following described parcel which was conveyed by a deed dated September 26, 1895, and recorded November 6, 1895, in book 23 of deeds at page 260; that portion of lot numbered 2 of block numbered 13 of the townsite of the town of Weaverville particularly described as follows to-wit: Commencing at a stake on the southeast corner of Garden Gulch Street and Union Street and running northwesterly 30 feet along Union Street to a stake; thence southwesterly 50 feet to a stake; thence 30 feet southeasterly to Garden Gulch Street to a stake; thence northeasterly 50 feet along Garden Gulch Street to the place of beginning and containing about 0.034 of an acre, more or less. Said parcel A containing about 0.034 acre.

PARCEL B: All that portion of lots numbered 1 and 2 in block numbered 13 of the townsite of Weaverville, Trinity County, California, lying southwesterly of a line running parallel to and 50 feet southwesterly of the centerline of State highway and southeasterly of a line running north 41 degrees 40 minutes east to a point 50 feet southwesterly of the centerline of State highway and running south 41 degrees 40 minutes west, to the southerly boundary of said lot numbered 1 from a point which bears south 46 degrees 55 minutes east 148.28 feet from corner numbered 1 in the survey of lot numbered 47 in township 33 north, range 10 west, Mount Diablo base and meridian, which corner is also the 10th corner in the survey of the Weaverville townsite; said portions of said lots being more particularly described as follows: Beginning at a 1-inch iron pipe set in the ground at a point south 46 degrees 55 minutes east 148.28 feet from corner numbered 1 in the survey of lot numbered 47 in township 33 north, range 10 west, Mount Diablo base and meridian; a 1-inch iron pipe set in the ground bears south 41 degrees 40 minutes west 146.13 feet; running thence, first north 41 degrees 40 minutes east 32.41 feet; second from a tangent that bears south 49 degrees 51 minutes 05 seconds east, on a curve to the right with a radius of 1,800 feet, through a central angle of 3 degrees 08 minutes 50 seconds, a distance of 98.72 feet to a point on the southeast boundary of lot 2 in block numbered 13 of the townsite of Weaverville, Trinity County, California, which point bears south 31 degrees 43 minutes west 50.47 feet from the centerline of State highway at engineers station 806+89.71 P.O.C.; third south 31 degrees 43 minutes west 130.63 feet on the boundary of said block numbered 13 to the southeast corner of said lot numbered 1 in block numbered 13; fourth south 89 degrees 39 minutes west 154.00 feet on the boundary of said lot 1; fifth north 41 degrees 40 minutes east 191.71 feet to the point of beginning. Containing 0.462 acre, more or less.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEYANCE OF LAND TO SUSANVILLE, CALIF.

The Clerk called the bill (H.R. 2250) to authorize and direct the Secretary of Agriculture to convey certain lands in Lassen County, Calif., to the city of Susanville, Calif.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **FORD**. Mr. Speaker, reserving the right to object, would the gentleman from California give us an explanation of this transfer, again a transfer of land without consideration?

Mr. **JOHNSON** of California. As the gentleman from Michigan knows, last year we also passed this bill in the House. The Forest Service was going to locate their Lassen National Forest headquarters in Lassen County, Calif., and the National Forest Service chose the city of Susanville. At that time the city and a number of individual citizens got together and donated a parcel of land for the construction of this facility. In the meantime, the Forest Service decided to go elsewhere and they located their facilities on another site. At the present time the city is asking for this site back for the construction of a city firehouse in the city of Susanville. They

donated this property to the Federal Government in the first instance, and today they are asking for the return of it since the Federal Government is not going to use it for the purpose for which it was given.

Mr. **FORD**. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to convey by quitclaim deed, without consideration, to the city of Susanville, California, all the right, title, and interest of the United States in and to the following lands which were previously donated to the United States by C. D. Mathews and Ethel M. Mathews, his wife, by deed dated December 6, 1939, and recorded in book 38 of deeds, at page 218, in the records of Lassen County, California:

All those certain lots, pieces and parcels of land situate, lying, and being in the county of Lassen, State of California, and particularly described as follows, to wit:

PARCEL 1. Commencing at the corner common to sections 29, 30, 31 and 32, in township 30 north, range 12 east, of the Mount Diablo base and meridian; thence north 89 degrees 22 minutes east along the section line 497.37 feet; thence south 16 degrees 50 minutes west 1,908.58 feet to the point of intersection of the centerline of Roop Street with the centerline of Main Street of the city of Susanville; thence south 73 degrees 10 minutes east along said centerline of Main Street 1,525.6 feet to the centerline of Weatherlow Street of said city; thence continuing along said centerline of Main Street of said city south 73 degrees 08 minutes 15 seconds east 1,264.25 feet; thence continuing along said centerline of Main Street south 73 degrees 37 minutes 15 seconds east 445.12 feet; thence north 19 degrees 52 minutes 45 seconds east 40.07 feet to the northerly line of the California State Highway and the true point of beginning; running thence north 19 degrees 52 minutes 45 seconds east 229.20 feet; thence south 73 degrees 07 minutes 15 seconds east 115.0 feet; thence south 15 degrees 22 minutes 45 seconds west 227.80 feet to the northerly right of way line of the California State Highway, and thence north 73 degrees 37 minutes 15 seconds west along the said northerly right of way line to the California State Highway, a distance of 136 feet to the true point of beginning.

PARCEL 2. Lots numbered 1, 2, and 3 of block numbered 18 of the east addition to the city of Susanville, as shown on the map entitled "Map of East Addition to Susanville, Lassen County, California", filed in the office of the county recorder of Lassen County, California, January 6, 1911.

With the following committee amendment:

On page 3, line 3, strike out "to" and insert "of".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAYMENT OF JUDGMENTS AND COMPROMISE SETTLEMENTS

The Clerk called the bill (H.R. 6835) to simplify the payment of certain mis-

cellaneous judgments and the payment of certain compromise settlements.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2414 of title 28 of the United States Code is amended to read:

"§ 2414. Payment of judgments and compromise settlements

"Payment of final judgments rendered by a district court against the United States shall be made on settlements by the General Accounting Office. Payment of final judgments rendered by a State or foreign court or tribunal against the United States, or against its agencies or officials upon obligations or liabilities of the United States, shall be made on settlements by the General Accounting Office after certification by the Attorney General that it is in the interest of the United States to pay the same.

"Whenever the Attorney General determines that no appeal shall be taken from a judgment or that no further review will be sought from a decision affirming the same, he shall so certify and the judgment shall be deemed final.

"Except as otherwise provided by law, compromise settlements of claims referred to the Attorney General for defense of imminent litigation or suits against the United States, or against its agencies or officials upon obligations or liabilities of the United States, made by the Attorney General or any person authorized by him, shall be settled and paid in a manner similar to judgments in like causes and appropriations or funds available for the payment of such judgments are hereby made available for the payment of such compromise settlements."

Sec. 2. The last item in the analysis of chapter 161 of such title is amended to read:

"2414. Payment of judgments and compromise settlements."

SEC. 3. Section 1302 of the Act of July 27, 1956 (70 Stat. 694; 31 U.S.C. 724a), is amended by deleting the words "judgments (not in excess of \$100,000 in any one case) rendered by the district courts and the Court of Claims against the United States which have become final" and inserting in lieu thereof the words "final judgments and compromise settlements (not in excess of \$100,000, or its equivalent in foreign currencies at the time of payment, in any one case) which are payable in accordance with the terms of sections 2414 or 2517 of title 28, United States Code".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MINNESOTA-NORTH DAKOTA BOUNDARY LINE COMPACT

The Clerk called the bill (H.R. 7189) granting the consent of Congress to the compact or agreement between the States of North Dakota and Minnesota with respect to the boundary between such States.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the compact or agreement between the States of North Dakota and Minnesota with respect to the boundary between such States as set forth in the Act of North Dakota designated

as house bill numbered 587, as approved by the Governor of such State on February 4, 1961, and as set forth in chapter 236, session laws 1961 of the State of Minnesota.

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF ESPIONAGE LAWS

The Clerk called the bill (H.R. 2730) to repeal section 791 of title 18 of the United States Code so as to extend the application of chapter 37 of title 18 relating to espionage and censorship.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill, the gentleman from Virginia [Mr. POFF] to explain to the House the basis or the need for this legislation.

Mr. POFF. Mr. Speaker, twice before this legislation under the sponsorship of the distinguished gentleman from Pennsylvania [Mr. WALTER] passed the House of Representatives but died in the other body. Had this legislation been on the books, Mr. Scarbeck who was recently apprehended and who will be indicted for certain offenses alleged to have been committed abroad would have been subject to prosecution under the anti-espionage act.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. FORD. I am glad to yield to the distinguished gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Speaker, I think the case just mentioned by the distinguished gentleman from Virginia [Mr. POFF] dramatizes the need for this legislation because were it not for the fact that this traitor was an employee of the United States, there would be no statute under which he could be prosecuted. That is the very reason why this legislation is so badly needed. May I say, it is a mystery to me why the other body has sat on this badly needed legislation for so long.

The House cannot be blamed for the delay in placing this urgently needed legislation on the statute books.

May I remind my colleagues that the Attorney General of the United States first requested the enactment of this legislation by letter to the Speaker of the House of Representatives dated July 29, 1958. The Speaker referred the communication to our committee, the bill was introduced on August 5, 1958 and reported to the House in just one week's time, on August 12, 1958. It passed the House by unanimous consent 6 days later, on August 18, 1958 and reached the Senate on that very day.

No action was taken in the Senate by the time the 85th Congress adjourned.

In the 86th Congress, I introduced the bill on February 4, 1959 and the subcommittee of which I am the chairman reported it to the full committee on the next day, February 5, 1959. The bill

passed the House, again by unanimous consent, on March 2, 1959.

The 86th Congress remained in session until September 1, 1960, which means that the other body had the remaining 6 months of the first session and all of the 8 months of the second session of the 86th Congress to take action.

As the House has just been informed, no action was taken. This is why we have the bill before us again today.

Mr. FORD. In the 85th and 86th Congresses, this identical bill was approved in the House; is that not correct?

Mr. POFF. That is true.

Mr. FORD. And no action in either instance was taken in the other body. Does the gentleman feel that there is a possibility that the other body will now consider this legislation and act affirmatively on it?

Mr. POFF. I am inclined to believe that in view of the Scarbeck case the other body will recognize the urgent need for this legislation and will act affirmatively in this session of the Congress. May I emphasize what the gentleman from Pennsylvania has just stated. If Mr. Scarbeck had not been a Government official and had been only a private citizen, he would have been completely immune to any prosecution whatever. Under the Internal Security Act of 1950, Mr. Scarbeck will, upon conviction, be subject to a maximum penalty of \$10,000 fine and 10 years in jail, either or both. If this bill were on the statute books, he would be subject to a maximum penalty of death or imprisonment for life or for any term of years.

Mr. FORD. Mr. Speaker, I withdraw my reservation of objection.

There being no objection the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 791 of title 18, United States Code, is repealed.

SEC. 2. The analysis of chapter 37 of such title is amended by deleting the following: "791. Scope of chapter."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADDITIONAL SECRETARY OF LABOR

The Clerk called the bill (H.R. 6882) to provide for one additional Assistant Secretary of Labor in the Department of Labor.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOFFMAN of Michigan. I object, Mr. Speaker.

Mr. BAILEY. Mr. Speaker, will the gentleman withhold his objection?

Mr. HOFFMAN of Michigan. So the gentleman can make a talk? If that is what he wishes, I will be glad to.

Mr. BAILEY. I wanted to make an explanation rather than a talk.

The SPEAKER pro tempore. The gentleman from Michigan reserves the right to object.

Mr. HOFFMAN of Michigan. Mr. Speaker, I reserve the right to object.

That is what I am going to do when the gentleman gets through.

Mr. BAILEY. Mr. Speaker, in the absence of the chairman of the Committee on Education and Labor, and also in the absence of the gentleman from Oregon [Mrs. GREEN], who is chairman of the subcommittee that handled this legislation, I think we should take advantage of the opportunity at this time to have the sponsor of the legislation, the gentleman from Washington [Mrs. HANSEN], explain why this legislation is essential and necessary.

The SPEAKER pro tempore. Does the gentleman from Michigan yield to the gentleman from Washington?

Mr. HOFFMAN of Michigan. I yield, Mr. Speaker.

Mrs. HANSEN. Mr. Speaker, the reason for the bill is clearly set forth in the report. It was introduced at the request of the administration and was presented in behalf of the increased number of women who are part of the work force across the entire United States.

If you will turn to page 2 of the report on the bill you will find these precise reasons set forth. President Kennedy in writing to the Speaker of the House of Representatives, stated:

This bill, H.R. 6882, will better enable the Department of Labor to meet its increasing responsibilities in connection with the growing role of women in the work force of the Nation.

In describing the need for this bill Secretary of Labor Arthur Goldberg has stated:

The Department of Labor is faced with the need for meeting the challenge of employing the skills of women workers as effectively as possible * * * an additional Assistant Secretary of Labor, whom I can designate to supervise the work of the Department of Labor relating to women workers, would materially aid the Department in fulfilling its mission.

I have been informed by the Department of Labor that an estimated 6 million more women workers will be required by 1970 to meet growing consumer needs, an increase of 25 percent as compared to 15-percent increase for men.

The need for enactment of H.R. 6882 arises from this increasingly essential role of women in our labor force, and from the expanding responsibility of the Department of Labor to stimulate appropriate action necessary for safeguarding the welfare of women workers and for providing the opportunity for full realization of their abilities.

Finally, may I add there is increasing necessity to develop the skills of our displaced women and our older women, and make for them the best possible in society so that they make their fullest contribution to our Nation.

Mr. HOFFMAN of Michigan. Mr. Speaker, in view of the fact that the Committee on Government Operations has Reorganization Plan No. 5 under consideration, under which this matter can be taken up, and inasmuch as the Committee on Education and Labor is holding hearings on the same subject, I will have to object.

The SPEAKER pro tempore. Objection is heard.

REIMBURSEMENT OF THE CITY OF NEW YORK

The Clerk called the bill (H.R. 74) to reimburse the city of New York for expenditure of funds to rehabilitate slip 7 in the city of New York for use by the U.S. Army.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the city of New York the sum of \$8,872.56. The payment of such sum shall be in full settlement of all claims of the said city of New York against the United States for reimbursement for actual expenses borne by the city of New York in excess of \$100,000 for its allotted share in the rehabilitation of slip 7 in the city of New York for the use of the United States Army, and such rehabilitation incurred to the benefit of the United States: Provided, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim.

With the following committee amendment:

Page 1, line 7, strike the word "the" following the word "said".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FORGED CHECKS ISSUED AT PARKS AIR FORCE BASE, CALIF.

The Clerk called the bill (H.R. 4528) for the relief of certain persons involved in the negotiation of forged or fraudulent Government checks issued at Parks Air Force Base, Calif.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ALLOWANCES TO CERTAIN MEMBERS OF U.S. COAST GUARD

The Clerk called the bill (H.R. 7099) to validate payments of certain per diem allowances made to members and former members of the U.S. Coast Guard while serving in special programs overseas.

There being no objection the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all duly authorized payments of per diem allowances made to members of the United States Coast Guard who served in the precommissioning details of the Mediterranean Ioran program of the United States Coast Guard from September 17, 1958, to April 1, 1959, are validated. Any member or former member who has made repayment to the United States of any amount authorized and so

paid to him as a per diem allowance is entitled to have refunded to him the amount so repaid. No member or former member who has received per diem payments referred to in this section shall be entitled to receive quarters or subsistence allowance in addition to the validated per diem payments for the same period.

SEC. 2. The Comptroller General of the United States, or his designee, shall relieve disbursing officers of the United States from accountability or responsibility for any duly authorized payments described in section 1 of this Act, and shall allow credits in settlement of the accounts of those officers for duly authorized payments which are found to be free from fraud or collusion.

SEC. 3. Appropriations available to the United States Coast Guard for operating expenses are available for payments under this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AWARD CERTIFICATES TO CERTAIN SERVICE PERSONNEL

The Clerk called the bill (H.R. 1935) to amend chapter 79 of title 10, United States Code, to provide that certain boards established thereunder shall give consideration to satisfactory evidence relating to good character and exemplary conduct in civilian life after discharge or dismissal in determining whether or not to correct certain discharges and dismissals; to authorize the award of an Exemplary Rehabilitation Certificate; and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 79 of title 10, United States Code, is amended as follows:

(1) Section 1552 is amended—

(A) by amending the first sentence of subsection (a) to read as follows: "Under uniform procedures prescribed by the Secretary of Defense, the Secretary of any military departments, acting through boards of civilians of the executive part of that military department, may correct any military record of that department when he considers it necessary to correct any error or remove an injustice";

(B) by adding the following new sentence at the end of subsection (a): "When it considers the case of any person discharged or dismissed, before or after the enactment of this sentence, from an armed force under conditions other than honorable, the board shall take into consideration the reasons for the type of that discharge or dismissal, including—

"(1) the conditions prevailing at the time of the incident, statement, attitude, or act which led to that discharge or dismissal;

"(2) the age of the person at the time of the incident, statement, attitude, or act which led to that discharge or dismissal;

"(3) the normal punishment that might have been adjudged had that incident, statement, attitude, or act occurred or been made in civilian life; and

"(4) the moral turpitude, if any, involved in the incident, statement, attitude, or act which led to that discharge or dismissal"; and

(C) by adding the following new subsection at the end thereof:

"(g) In the case of any person discharged or dismissed, before or after the enactment of this subsection, from an armed force un-

der conditions other than honorable, the board may, with the approval of the Secretary concerned, issue to that person an 'Exemplary Rehabilitation Certificate' dated as of the date it is issued, if, after considering the reasons for that discharge or dismissal, including those matters set forth in clauses (1)-(4) of subsection (a), it is established to the satisfaction of the board that he has rehabilitated himself, that his character is good, and that his conduct, activities, and habits since he was so discharged or dismissed have been exemplary for a reasonable period of time, but not less than three years.

"(b) Applications and reapplications for correction of records under subsection (g) may be filed at any time, but not before three years after that discharge or dismissal.

"(i) For the purposes of subsection (g), oral or written evidence, or both, may be used, including—

"(1) a notarized statement from the chief law enforcement officer of the town, city, or county in which the applicant resides, attesting to his general reputation so far as police and court records are concerned;

"(2) a notarized statement from his employer, if employed, attesting to his general reputation and employment record;

"(3) notarized statements from not less than five persons, attesting that they have personally known him for at least three years as a person of good reputation and exemplary conduct, and the extent of personal contact they have had with him; and

"(4) such independent investigation as the board may make.

"(j) No benefits under any laws of the United States (including those relating to pensions, compensation, hospitalization, military pay and allowances, education, loan guarantees, retired pay, or other benefits based on military service) accrue to any person to whom an Exemplary Rehabilitation Certificate is issued under subsection (g) unless he would be entitled to those benefits under his original discharge or dismissal. Except as otherwise provided in this section or section 1553 of this title, no Exemplary Rehabilitation Certificate may be issued except under subsection (g), and after a specific finding by the board that it is issued under that subsection.

"(k) The Secretary of Defense for the military departments, and the Secretary of the Treasury for the Coast Guard when it is not operating as a service in the Navy, shall report to Congress not later than January 15 of each year the number of cases reviewed by each board under subsection (g), and the number of Exemplary Rehabilitation Certificates issued under that subsection."

(2) Section 1553 is amended to read as follows:

"§ 1553. Review of discharge or dismissal

"(a) The Secretary concerned shall, after consulting with the Administrator of Veterans' Affairs, establish boards of review, each consisting of five members, to review, under uniform procedures prescribed by the Secretary of Defense in the case of a military department, the discharge or dismissal of any former member of an armed force under the jurisdiction of his department upon its own motion or upon the request of such former member or, if he is dead, his surviving spouse, next of kin, or legal representative.

"(b) A board established under this section may, subject to review by the Secretary concerned, change a discharge or dismissal, or issue a new discharge, to reflect its findings.

"(c) A review by a board established under this section shall be based on the records of the armed force concerned and such other evidence as may be presented to the board including those matters set forth

in clauses (1)-(4) of section 1552(a) of this title. A witness may present evidence to such a board in person or by affidavit. A person who requests a review under this section may appear before such a board in person or by counsel or an accredited representative of an organization recognized by the Administrator of Veterans' Affairs under chapter 59 of title 38.

"(d) In the case of any person discharged or dismissed, before or after the enactment of this subsection, from an armed force under conditions other than honorable, the board may, with the approval of the Secretary concerned, issue to that person an 'Exemplary Rehabilitation Certificate' dated as of the date it is issued, if, after considering the reasons for that discharge or dismissal, including those matters set forth in clauses (1)-(4) of section 1552(a) of this title, it is established to the satisfaction of the board that he has rehabilitated himself, that his character is good, and that his conduct, activities, and habit since he was so discharged or dismissed have been exemplary for a reasonable period of time, but not less than three years.

"(e) Applications and reapplications for correction of records under subsection (d) may be filed at any time, but not before three years after that discharge or dismissal.

"(f) For the purposes of subsection (d), oral or written evidence, or both, may be used, including those matters set forth in clauses (1)-(4) of section 1552(1) of this title.

"(g) No benefits under any laws of the United States (including those relating to pensions, compensation, hospitalization, military pay and allowances, education, loan guarantees, retired pay, or other benefits based on military service) accrue to any person to whom an Exemplary Rehabilitation Certificate is issued under subsection (d) unless he would be entitled to those benefits under his original discharge or dismissal. Except as otherwise provided in this section or section 1552 of this title, no Exemplary Rehabilitation Certificate may be issued except under subsection (d), and after a specific finding by the board that it is issued under that subsection.

"(h) The Secretary of Defense for the military departments, and the Secretary of the Treasury for the Coast Guard when it is not operating as a service in the Navy, shall report to Congress not later than January 15 of each year the number of cases reviewed by each board under subsection (d), and the number of Exemplary Rehabilitation Certificates issued under that subsection."

Mr. DOYLE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOYLE. Mr. Speaker, the Doyle bill, H.R. 1935, authorizing award of Exemplary Rehabilitation Certificate to certain discharged service personnel who received less-than-honorable discharges for comparatively minor offenses while in the military, is on the Consent Calendar for today. While it is the Doyle bill which is on the Consent Calendar on this important and very pertinent subject, I wish to call your attention, and the attention of all my other colleagues, to the fact that a goodly number of other Members of this great legislative body have either filed identically the same bill as H.R. 1935, or similar bills, for substantially the same objective. They are as follows: H.R. 2706, the gentlewoman from Pennsylvania [Mrs. GRANAHAN];

H.R. 3243, the gentleman from California [Mr. COHELAN]; H.R. 4364, the gentleman from California [Mr. McFALL]; H.R. 2712, the gentleman from Pennsylvania [Mr. HOLLAND]; H.R. 2328, the gentleman from Washington [Mr. WESTLAND]; H.R. 709, the gentleman from Massachusetts [Mr. LANE]; H.R. 250, the gentleman from Illinois [Mr. LIBONATI]; H.R. 1279, the gentleman from New York [Mr. FARSTEIN]; H.R. 1187, the gentleman from California [Mr. McDONOUGH]; H.R. 3185, the gentleman from New York [Mr. ZELENKO]; H.R. 193, the gentleman from California [Mr. WILSON]; H.R. 2243, the gentleman from Florida [Mr. HERLONG]; H.R. 2241, the gentleman from New York [Mr. HEALEY]; H.R. 673, the gentleman from New York [Mr. GILBERT]; H.R. 2703, the gentleman from Pennsylvania [Mr. FULTON]; H.R. 2462, the gentleman from New York [Mr. CELLER]; and H.R. 1202, the gentleman from New York [Mr. MULTER].

I wish to thank each and every of the above-named colleagues and all the other many, many colleagues in the House who have helped along the way, even though most of them have not authored a bill on this important subject this 87th Congress. I deeply appreciate the most gracious and unselfish courtesies extended me by my colleagues who authored other bills on the same and related subjects and all of whom have most graciously cooperated in pushing along H.R. 1935.

Mr. Speaker, whereas on June 5, 1961, in the CONGRESSIONAL RECORD for that date, beginning on page 9452, I communicated to this distinguished legislative body some of the history and pertinency of H.R. 1935 and related bills, I wish to now further supplement that record by some of the very pertinent information contained in the unanimous report of the Committee on Armed Services under date of June 13, 1961, as follows:

The Committee on Armed Services, to whom was referred the bill (H.R. 1935) to amend chapter 79 of title 10, United States Code, to provide that certain boards established thereunder shall give consideration to satisfactory evidence relating to good character and exemplary conduct in civilian life after discharge or dismissal in determining whether or not to correct certain discharges and dismissals; to authorize the award of an exemplary rehabilitation certificate; and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the proposed legislation is to amend existing law with regard to the Boards for the Correction of Army, Navy, and Air Force Records, and the Boards of Review, Discharges, and Dismissals.

Both of these boards were established to correct or review military records of discharges.

The proposed legislation is based upon the original recommendations of a special subcommittee, composed of five members of the Committee on Armed Services. This subcommittee held extensive hearings in the 85th Congress and recommended a bill, H.R. 8772, to the full committee which was approved and was reported to the House of Representatives. The bill passed the House, but was not considered in the Senate.

At the beginning of the 86th Congress, H.R. 88 was introduced, which was similar

to H.R. 8772. The special subcommittee recommended unanimously to the committee that H.R. 88 be enacted, and the Committee on Armed Services unanimously recommended the enactment of H.R. 88. This, too, passed the House but was not considered in the Senate.

The Committee on Armed Services again recommends enactment of H.R. 1935 which is identical to H.R. 88 of the 86th Congress, as it passed the House.

The main purpose of the proposed legislation is to authorize the Boards for the Correction of Army, Navy, and Air Force Records and the Boards of Review, Discharges, and Dismissals, to grant, under certain circumstances, an exemplary rehabilitation certificate to individuals who have previously received less than honorable discharges, or discharges under conditions other than honorable, from the armed services.

Another purpose of H.R. 1935 is to authorize these respective boards to take into consideration postservice conduct when reviewing the discharges of individuals who have been separated from the service. The Boards will take postservice conduct into consideration for the purpose of determining the type of discharge that should be awarded, and in addition, will take this matter into consideration in determining whether they should issue an exemplary rehabilitation certificate if a change in the original discharge is not otherwise justified.

The proposed legislation also gives to the Boards of Review, Discharges, and Dismissals, the authority to review discharges issued pursuant to a general courts-martial. Heretofore this authority has been confined to the Boards for the Correction of Military, Naval, and Air Force Records.

In considering postservice conduct as a factor, it should be noted that the Boards for the Correction of Military, Naval, and Air Force Records, as well as the Army, Navy, and Air Force Boards of Review, Discharges, and Dismissals, take postservice conduct into consideration today when reviewing records of discharges of separated service personnel.

The proposed legislation makes such consideration a statutory requirement, and in addition authorizes the boards to issue exemplary rehabilitation certificates—the significant objective of this proposal.

This certificate will not be a substitute for the previous discharge. It will be dated as of the date it is issued by the Board, and it will not be issued in lieu of the original discharge. In addition, the certificate, if granted by the Board, will not entitle an individual to any benefits to which he was not otherwise entitled under the original discharge.

The net effect of the proposed legislation is that individuals will be given an opportunity to submit evidence of exemplary postservice conduct for a period of 3 years after separation, which, when taken into consideration with all other factors surrounding the original discharge, will entitle them, if recommended by the board, to a certificate which, it is hoped, will be of assistance to them in readjusting to civilian life.

ADMINISTRATIVE DISCHARGES

Prior to January 14, 1959, the Army, Navy, Air Force, and Marine Corps had different procedures for processing administrative discharges. In the report to the House with regard to H.R. 8772, the committee stated:

"It is apparent that a uniform system for the processing of undesirable discharges is long overdue. An undesirable discharge carries with it a stigma that remains with an individual for the rest of his life. Certainly that individual should be entitled to the equivalent amount of protection that surrounds an individual who is finally awarded a punitive discharge, pursuant to the action of a court-martial."

Therefore, the committee notes with interest that on January 14, 1959, a Depart-

ment of Defense directive was issued which revised the standards and procedures governing administrative discharges for personnel discharged from the Armed Forces. The following is a copy of the Department of Defense directive:

I will not herein set forth the text of the said directive; however, I wish to say that it, in my humble judgment, constitutes a noticeable step in advance—and a very timely step. I do, however, call attention to the fact that this directive dated January 14, 1959, by the Defense Department, which made a beginning for a uniform system for processing undesirable discharges, in many ways and places carries forward into a very timely directive an approach to some of the intent of H.R. 8772 of the 85th Congress and H.R. 88 in the 86th Congress, both of which were almost identical with the present bill, H.R. 1935. So while the Department of Defense is to be complimented upon adopting some of the language and expressed intents of the bills above numbered dealing with the subject of less-than-honorable discharges, nevertheless, Mr. Speaker, no directive does have the stability of endurance and life which is included in statutory provisions. I am informed that it is not an uncommon thing for directives to be altered.

Furthermore, Mr. Speaker, in my travels overseas as well as within the confines of our beloved Nation, I have found that in too many military commands of the U.S. Forces, the aforesaid directive dated January 14, 1959, and other directives have not yet filtered down to the level of the privates in U.S. military uniform so that they were actually not informed as to what their rights were in the areas concerned. And, as said in the Armed Services Committee unanimous report, with reference to directives from the military department and which directives emanated from the Defense Department subsequent to the filing of H.R. 8772 in the 85th Congress and H.R. 88 in the 86th Congress, to wit:

This is a step in the right direction. It does nothing, however, for the more than 130,576 personnel who have received undesirable discharges from the uniformed services since fiscal 1954. It does nothing for the more than 278,000 individuals who have received undesirable discharges since 1940. These individuals, along with the more than 200,000 persons who since 1940 have received bad conduct discharges or dishonorable discharges pursuant to the sentence of courts-martial, are not aided in any way by the new directive of the Department of Defense.

With reference to the directive of January 1959, the letter in opposition to H.R. 1935 from the Department of Defense, reciting that they believed such directive would be helpful, virtually admitted that when H.R. 88 and H.R. 8772 were filed there was need for additional legislation in this area. Also, Mr. Speaker, I call your attention to the fact that even now by their own language they only claim that much of the justification for additional legislation in this area has been obviated. Mr. Speaker, even now they do not claim that all of the justification has been obviated. And since Mr. Webster's definition of much

is many in number it must, therefore, be accepted by their own language that our Defense Department recognizes that there are still many in number who are not justly treated through their directives. As long as one deserving military personnel is not treated as he should be and could be, Mr. Speaker, it is my argument that the fact that many in number have been helped by the directives is not sufficient. Since it is well known and generally admitted that there are thousands who are entitled to just treatment and have not yet received it, it is, therefore, vigorously claimed that our Defense Department should be told by Congress to make their procedures such that all who deserve shall receive justice.

It is noted that the Military Establishment—that is some of it, I am informed, not all of it—still opposes the enactment of H.R. 1935 or any legislation in this area which binds them to change their procedures, outlook and policy in the area. But in this connection, as to their opposition, I call your attention to page 9452 of the CONGRESSIONAL RECORD for June 5, 1961, wherein was quoted a letter from the distinguished gentleman from Georgia [Mr. VINSON], to the distinguished chairman of the Senate Armed Services Committee on February 5, 1960, in which the distinguished gentleman from Georgia referred to the opposition of the military to the then pending bill, H.R. 88, in which the distinguished gentleman from Georgia said:

I think it is rather ridiculous.

And to at least tend to prove that some of the highly responsible military personnel at the judicial level are not opposed to H.R. 1935, I herewith set forth a copy of a most inspiring and helpful letter to me dated June 15, 1961, from the distinguished Chief Judge of the U.S. Court of Military Appeals.

U.S. COURT OF MILITARY APPEALS,
Washington, D.C., June 15, 1961.

MY DEAR CONGRESSMAN: Thank you for your letter. I'm sure H.R. 1935 is a step in the right direction. A d.d. or a b.c.p. or an undesirable discharge is a very heavy penalty lasting through a boy's whole life. Very few realize its severity. Your efforts to correct a bad situation are highly commendable. More power to you.

Warmest regards,

Sincerely yours,

ROBERT E. QUINN.

Further quotations from the House Armed Services Committee unanimously approved are as follows:

And, in that connection, the Committee on Armed Services again notes the development of an alarming trend in the administration of justice in the armed services. In fiscal 1954, 23,805 members of the armed services received undesirable discharges; in fiscal 1957, 27,211 individuals received undesirable discharges through a nonjudicial process. In fiscal 1958, 30,784 individuals received undesirable discharges through this administrative process.

In fiscal 1954, 18,390 individuals were awarded dishonorable or bad conduct discharges. In fiscal 1957 this figure had dropped to 11,658; and in fiscal 1958, the figure had further been reduced to 10,000 bad conduct or dishonorable discharges awarded pursuant to the sentence of courts-martial.

The trend then is quite apparent. As the punitive discharge rate pursuant to the sentence of courts-martial goes down; the administrative undesirable discharge rate goes up. It is perfectly apparent, notwithstanding the new Department of Defense directive, that an individual's rights in a proceeding to determine whether he should be awarded an undesirable discharge are relatively meaningless compared to his rights when subjected to a bad conduct or dishonorable discharge through courts-martial proceedings. In this connection, it is interesting to note a portion of the 1960 Annual Report of the U.S. Court of Military Appeals, which stated: "The unusual increase in the use of administrative discharge since the code became a fixture has led to the suspicion that the services were resorting to that means of circumventing the requirements of the code."

Perhaps the new directive issued by the Department of Defense will have some effect upon the tendency of the military services to turn to the undesirable administrative discharge in lieu of a courts-martial proceeding, but this will be of no benefit to the more than a quarter of a million individuals who have already received undesirable discharges. The very least, therefore, that can be done for these individuals and others to follow is to give them an opportunity to earn the certificate recommended in the proposed legislation.

The Department's recommendation that a civilian agency award the rehabilitation certificate is ridiculous. A certificate issued by a local civilian agency would pale into insignificance when compared to a certificate awarded by a board under the auspices of the Armed Forces.

The whole purpose of the exemplary rehabilitation certificate is to give an individual a piece of paper which will help him in his effort to readjust to civilian life and to obtain gainful employment where possible. It is an attempt to mitigate a lifetime blemish on his record.

And yet the Department of Defense will not even agree to a proposal that would permit such a certificate to be issued by a board with a military connotation. The attitude of the Department of Defense with respect to the proposed legislation appears to be that once an individual has been discharged from the armed services, any stigma attached to his record is for life, regardless of the original reasons for the discharge and all other factors that may subsequently intervene.

On the other hand, the committee is seriously concerned about the many thousands of individuals who must go through life with a dishonorable, bad conduct, or undesirable discharge. Many of these individuals find it difficult to obtain employment because of the nature of their discharges.

Some of them entered the armed services at an early age. Some were immature and were rapidly exposed to a new way of life to which they were not able to immediately adjust. Some of them became involved in serious crimes; others in a series of petty offenses. Some are hardened criminals; but many are not. There should be some method by which an individual who has successfully rehabilitated himself in civilian life may at least be awarded a certificate by the armed force that issued him a discharge under conditions other than honorable attesting to the fact that in the opinion of that armed force he should no longer be subjected to the stigma that necessarily flows from the receipt of a discharge under other than honorable conditions.

Certainly the committee does not desire to recommend any type of program that would in any way adversely affect discipline in the armed services or would in any way cheapen the honorable discharge, or the discharge under honorable conditions earned

by so many millions of former American servicemen. But the committee does question the soundness of a system which does not allow an individual to have his exemplary postservice conduct taken into consideration with a view toward awarding a certificate attesting to the fact that he has rehabilitated himself, at least in those cases where the original offenses were relatively minor contrasted with the lifetime punishment inflicted.

The boards of review of discharges and dismissals have reviewed many thousands of cases of individuals discharged from the armed services except those discharged pursuant to the sentence of a general court-martial. For example, the Army from October of 1944 to February of 1957 reviewed 54,983 cases. Of this number, the Army Board changed 8,855 from under less than honorable conditions to a discharge under honorable conditions. From January of 1947 to March 31, 1957, the Army Board for the Correction of Military Records reviewed 8,927 discharge cases and changed 786, but of this number only 178 were changed from less than honorable to honorable conditions or better.

In the Navy and Marine Corps from January of 1946 to March of 1957 the Boards of Review, Discharges, and Dismissals considered 41,699 cases and changed 9,337 discharge cases. But of this number only 3,454 were changed from less than honorable conditions to honorable conditions or better. From April of 1947 to April of 1957 the Navy Board for the Correction of Naval Records reviewed 6,279 cases and changed 826 discharges, of which 733 were from less than honorable conditions to honorable conditions or better.

While this indicates that the Boards of Review, Discharges, and Dismissals have changed a reasonable number of discharges, it does not reflect the substantial number of individuals with less than honorable conditions discharges who have not even applied to the Boards for the review of their discharges.

The committee also recommends two additional changes in existing law dealing with the Board of Review, Discharges, and Dismissals.

At present, these Boards do not have authority to review the sentences of general courts-martial since discharges issued pursuant to a general courts-martial can be reviewed by the Board for the Correction of Military, Naval, or Air Force Records. However, an individual with a dishonorable or bad conduct discharge issued pursuant to a general court-martial will, under the proposed legislation, be able to submit his case to the Boards of Review, Discharges, and Dismissals in order that that Board, composed entirely of military officers, may first review the case before it is again submitted for review by the Boards for the Correction of Military, Naval, or Air Force Records, which is composed entirely of civilians.

In addition, the committee has eliminated the termination date, contained in present law, for the filing of applications of review by the Boards of Review, Discharges, and Dismissals.

It should be noted that the Boards for the Correction of Military, Naval, and Air Force Records exercise the right to assume jurisdiction or to decline jurisdiction as they see fit. Nothing in the proposed legislation will alter this procedural prerogative of the Boards for the Correction of Military, Naval, or Air Force Records.

The proposed legislation, as indicated, will permit the services, through Board action, to grant an exemplary rehabilitation certificate in certain cases where no other form of relief may otherwise be awarded.

Many Members of Congress have introduced proposed legislation similar to or

identical with H.R. 1935, including the following:

Member	Similar bill	Identical bill
Bob Wilson.....	.....	H.R. 193.
Jacob H. Gilbert.....	.....	H.R. 673.
Clyde Doyle.....	.....	H.R. 1150.
James C. Healey.....	.....	H.R. 2241.
A. Sydney Herlong, Jr.....	.....	H.R. 2243.
Emanuel Celler.....	.....	H.R. 2462.
James G. Fulton.....	.....	H.R. 2703.
Kathryn E. Granahan.....	.....	H.R. 2706.
Elmer J. Holland.....	.....	H.R. 2712.
Herbert Zelenko.....	.....	H.R. 3185.
Jeffery Colahan.....	.....	H.R. 3243.
John J. McFall.....	.....	H.R. 4364.
Roland V. Libonati.....	H.R. 250.	
Thomas J. Lane.....	H.R. 709.	
Gordon L. McDonough.....	H.R. 1187.	
Leonard Farbstein.....	H.R. 1279.	
Jack Westland.....	H.R. 2328.	
Alfred E. Santangelo.....	H.R. 5903.	

In addition, the following organizations indicated their approval of H.R. 88, or its objective, in the 86th Congress:

Veterans of Foreign Wars.
American Veterans of World War II.
American Veterans Committee.
Disabled American Veterans.
American Federation of Labor and Congress of Industrial Organizations.

Mr. Speaker, during all of the 4-year period or thereabouts which I have been pleased to emphasize the necessity of some such legislation as H.R. 1935 and its predecessors, H.R. 88 and H.R. 8772, whenever I was asked by any of my distinguished colleagues as to what I expected to reasonably result therefrom, I have always made it crystal clear previously, and I now do so, to wit: That I was reasonably sure that such legislation would accomplish two worthy results, to wit: First, at least a little of the stigma attaching to any recipient of less-than-honorable discharges—and who did not receive a court-martial—would be removed; second, that some reasonable percentage or number of the total number involved, to wit: over 200,000 or thereabouts, would be thus more enabled to obtain dignified employment commensurate with their ability instead of being foreclosed therefrom on account of their type of discharge received; to wit: undesirable or unsuitable, when they had never committed a crime nor had a court-martial for anything with criminal intent attached thereto. My belief is that very many sound, fair employers will at least grant the holder of an exemplary rehabilitation certificate, as provided for in H.R. 1935, an interview when they apply for employment. This is true because most men in their youth or early years have made mistakes without ever involving any intent of violating Federal statute.

I frequently recall what Adm. Charlie Brown, U.S. Navy, told me aboard the flagship in the Mediterranean Sea a few years ago: That he had been so full of mischief at the Academy that if he had been in a military establishment himself he would, no doubt, have received an unsuitable or undesirable discharge. I again refer to him because a couple of years ago I placed in the CONGRESSIONAL RECORD further comments about him and his authorizing me to say that he was in favor of the Doyle bill.

Mr. Speaker, this bill is purely a humanitarian bill. That is all it is. There-

fore, you and my other distinguished colleagues can readily see that we are hopeful that H.R. 1935 will be unanimously approved on the Consent Calendar and that it shall go forward to the other body on the other side of the Capitol at the earliest possible hour where I am sure it will have fullest and fairest consideration by the members of the Armed Services Committee of that distinguished legislative body and in which body, I am reliably informed, some members thereof are ready to file a bill similar to H.R. 1935 and that it may go forward to the Armed Services Committee on the other side of the Capitol at the earliest possible date.

In this connection, Mr. Speaker, I well remember how the distinguished chairman of the other Armed Services Committee, told me most sincerely and cordially and emphatically when I was conferring with him a couple of years ago on H.R. 88 in substance that as long as there was one who deserved the benefits of H.R. 88 it was a good bill.

Mr. LANE. Mr. Speaker, when a man commits a relatively minor offense in civilian life, and it is his first infraction of the laws, he is given a suspended sentence, and is placed on probation. In other words, he is given a break. Should he repeat the offense, or one similar to it, he is sentenced to serve a few weeks or months in the house of correction. If he learns his lesson and does not run afoul of the law from then on, he can live a normal life. His record does not prejudice his social and economic future.

I have never had a man with this background complain to me, after several years have passed, that he is being treated as a second-class citizen, or that he finds the doors to employment shut in his face. On the other hand, at least 100 veterans over a period of 20 years, have requested my help to have their less-than-honorable discharges changed to honorable discharges.

"My children are growing up, and what am I going to say when they ask me about my military service during the war?" or—"I apply for a job and it looks as though I'm about to be hired until I am asked to show my discharge. Then I get the polite 'so sorry' business. 'But, we will put your name on file in case something else turns up.' I do not even try those companies working on Government contracts. There is not a chance for men like me—no matter how well we can do the job."

Upon looking into their cases, I have found that most of these men were charged with minor violations of military discipline while in service. They did not desert under fire, strike an officer, commit robbery or rape. There was no rehabilitation or retraining for these offenders that would return many of them to an honorable duty status, and the chance to earn an honorable discharge.

The normal punishment that might have been adjudged had the act or incident been committed in civilian life, was not determined. He was not given the opportunity to make amends and to clear his name, but was summarily separated from service "under a cloud" that

continues its subtle punishment of him for the rest of his life. This carryover, continuing and inescapable punishment—oftentimes for misdemeanors—is what we seek to eliminate by this bill.

We recognize that there must be punishment for breaches of discipline. At the same time we believe that, in too many cases, the indifference of the Military Establishment to rehabilitation and retraining that would give the offender the chance to pay his debt to the military, has forced veterans to suffer from this stigma and the resulting economic and social discrimination without hope of ever clearing their names. In effect, for relatively minor offenses—they have received a life sentence.

We hold no brief for those who became involved in serious crimes while they were members of the Armed Forces. At the same time, we do not believe that petty offenders should be lumped together with them, and be compelled to bear the same burden. Furthermore, it is not our purpose to equate the service of minor offenders, with the honorable discharges earned by so many millions of former American servicemen.

We do believe, however, that they have suffered enough and that their continuing ineligibility for veterans' benefits maintains the differentiation between those who served honorably, and those who did not. It is our purpose to change the present unfair practice of branding a man for life because of some not-too-serious misconduct while in service. When organizations like the Veterans of Foreign Wars, the American Veterans of World War II, the American Veterans' Committee, and the Disabled Veterans, who are vigilant in protecting the prestige and the rights of all honorably discharged veterans, recognize that the inflexible attitude of the military toward those veterans with less-than-honorable discharges, is too harsh and far reaching; we have the most impressive testimony in favor of a change.

The House confirmed the need for this legislation by passing it unanimously under the two-thirds rule, in the 86th Congress. The award of an "Exemplary Rehabilitation Certificate" to a veteran who has established, after 3 years from the time of his separation from service, proof as to his good character and adjustment to civilian life, will do much to balance the scales of justice in those worthy cases where the punishment inflicted by a less-than-honorable discharge has been excessive.

I wholeheartedly support H.R. 1935, because it will restore freedom of opportunity to those veterans with less-than-honorable discharges who are presently the victims of discrimination when seeking employment.

Mr. COHELAN. Mr. Speaker, I would like to warmly endorse H.R. 1935 and my own companion bill, H.R. 3243, which would provide for boards to determine whether or not, on the basis of satisfactory evidence of good character and exemplary conduct in civilian life, certain discharges from the Armed Forces should be corrected.

Essentially, this legislation provides increased opportunities for justice. By providing a review of less-than-honorable discharges, it allows those who have made mistakes in the past to redeem themselves through good conduct in civilian life. The charges which result in a less-than-honorable discharge are often very minor and often would not even constitute a felony in civilian life. A review of such discharges would provide for the application of civilian standards to civilians.

This review would not result in an increased cost to the taxpayer. In essence, it would provide more justice per taxpayer's dollar.

The humanitarian character of this legislation is obvious. We cannot ignore the need for equal justice for less-than-honorable discharges under civilian standards. H.R. 1935 and 3243 provide that necessary justice, and therefore I urge the House to grant them rapid approval.

Mrs. GRANAHA. Mr. Speaker, as a cosponsor of H.R. 1935 introduced by Congressman CLYDE DOYLE, I want to extend my congratulations to the conscientious gentleman from California for the hard work and the effective work he has put into the task of achieving House consideration of this measure. As we all know, he sponsored a similar bill in the previous Congress, H.R. 88, which unanimously passed the House but not in time to be considered in the Senate Armed Services Committee prior to final adjournment of the 86th Congress.

I trust that in acting on H.R. 1935 at this comparatively early stage of the 87th Congress, the House will be assuring full opportunity for the bill also to be considered and acted on by the Senate. I hope so.

Mr. Speaker, we all know of cases in our congressional districts of men who were separated from the armed services under a cloud and who have been paying for that fact throughout their lives. The same thing is true, of course, of any citizen who is convicted of a serious crime. Sometimes it occurs in the case of an upstanding citizen accused even of some minor offense. The Senate, as we know, recently had a long-drawn-out confirmation battle over the nomination of a high Government official who, as a youth on a college vacation logging job, was arrested for being involved in a fist fight. His arrest record had been brought up frequently in his political service career. Apparently, he neglected to mention it on the formal Government employment form, and as a result his confirmation was bitterly fought.

I do not propose that we wipe off a man's record all of the background facts, but I do think that some means should be available to enable a veteran who has gotten in trouble while in the service to have his record later put in some perspective. Sometimes servicemen who committed very minor infractions, later found it almost impossible to get employment because their discharge certificates were other than honorable.

The bill before us would enable a deserving veteran to achieve a review of

his service record under very definite standards which would be uniform for all of the services. Right now, the standards vary as between the services. Also, this bill would give to a man who has later proved in civilian life that he has rehabilitated himself an opportunity to obtain a review of his record so that he can obtain a certificate of rehabilitation to accompany his discharge form. Of course, this would not entitle the veteran to any Federal benefits—it would just attest to his character and reputation.

Of great importance, is the provision of the bill which would require Boards of Review, Discharges and Dismissals to take into consideration, when asked to change a discharge, the following facts in reviewing an undesirable discharge: the conditions which prevailed at the time of the incident; the age of the individual; the normal punishment which might have been adjudged had the act or incident occurred in civilian life; and the moral turpitude, if any, involved in the incident.

If such standards are in effect, I think we can look for greater fairness to men who had at sometime or other committed offenses in the service which have led to lifetime punishments which far surpass the crime, including the punishment of lifetime employment hardship because of possibly a minor incident of misconduct as a youngster in his first few months away from home.

Again I want to thank the gentleman from California [Mr. DOYLE] for the long and unselfish hard work he has put into this legislation. My husband, while in Congress, was interested in this same problem as a result of cases called to his attention, and I am grateful that Mr. DOYLE, in tribute to Bill's interest and activity in this area, asked me to cosponsor H.R. 1935, which I have done by introducing H.R. 2706, a companion measure.

Mr. Speaker, I urge the passage of H.R. 1935.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPEALS IMPROVIDENTLY TAKEN

The Clerk called the bill (H.R. 75) to amend section 2103 of title 28, United States Code, relating to appeals improvidently taken.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2103 of title 28, United States Code, is amended to read as follows:

"§ 2103. Appeal from State court or from a United States court of appeals improvidently taken regarded as petition for writ of certiorari

"If an appeal to the Supreme Court is improvidently taken from the decision of the highest court of a State, or of a United States court of appeals, in a case where the proper mode of a review is by petition for certiorari, this alone shall not be ground for dismissal; but the papers whereon the appeal was taken shall be regarded and acted on as a petition

for writ of certiorari and as if duly presented to the Supreme Court at the time the appeal was taken. Where in such a case there appears to be no reasonable ground for granting a petition for writ of certiorari it shall be competent for the Supreme Court to adjudge to the respondent reasonable damages for his delay, and single or double costs."

With the following committee amendment:

Page 2, line 8, at the end of line 8 add the following new section:

Sec. 2. Item 2103 of the chapter analysis of chapter 133 of title 28, United States Code, is amended to read as follows:

"2103. Appeal from State court or from a United States court of appeals improvidently taken regarded as petition for writ of certiorari."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MILLS). That completes the call of bills on the Consent Calendar.

ANNOUNCEMENT

Mr. WALTER. Mr. Speaker, in view of the fact that references have been made to the committee concerning the extent of a bill that is on the suspension list this morning, I am not going to offer a motion to consider it under suspension of the rules at this time.

The SPEAKER pro tempore. The gentleman has two bills on the suspension list.

Mr. WALTER. Mr. Speaker, when the bill authorizing approval of compact between the States of New Jersey, Pennsylvania, New York, Delaware, and the United States was called on the Consent Calendar, I announced that an application for a rule had been made for consideration of that bill; therefore, the motion will not be made.

AMENDMENT TO CHARTER OF INTERNATIONAL FINANCE CORPORATION

Mr. SPENCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6765) to authorize acceptance of an amendment to the articles of agreement of the International Finance Corporation permitting investment in capital stock.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the International Finance Corporation Act (22 U.S.C. 282c) is amended by adding immediately after the first sentence thereof the following: "The United States Governor of the Corporation is authorized to agree to an amendment to article III of the articles of agreement of the Corporation to authorize the Corporation to make investments of its funds in capital stock and to limit the exercise of voting rights by the Corporation unless exercise of such rights is deemed necessary by the Corporation to protect its interests, as proposed in the resolution submitted by the Board of Directors on February 20, 1961."

The SPEAKER pro tempore. Is a second demanded?

Mr. GROSS. Mr. Speaker, I ask a second.

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, H.R. 6765, would authorize the Secretary of the Treasury as the U.S. Governor of the International Finance Corporation to cast the vote of the United States in favor of an amendment to the articles of agreement, which will authorize the Corporation to invest in capital stock.

The Corporation was organized in 1956, with a capitalization of \$100 million, \$35.2 million of which was subscribed by the United States. Its purpose is to furnish aid to the underdeveloped areas of the free world. It is an affiliate of the International Bank for Reconstruction and Development.

The Corporation has sustained no losses during its life, but it finds itself hampered by the fact it cannot render the services it should render because of the limitation of its investments.

The amendment would authorize it to purchase capital stock in order to furnish equity capital where it is greatly needed.

If the United States approves the amendment, and that question is now being submitted to you, there is no doubt that it will be adopted. The Secretary of the Treasury has asked for the amendment, and he feels it would be essential to the continued successful functions of this Corporation to have this power.

The adoption of the amendment would not result in the Corporation invading private enterprise or the Government competing with private business. This stock, if purchased, will have no voting power to control ordinary operations. It can only be voted by the International Finance Corporation in exceptional cases, such as, reorganization, increase in capital stock, or in cases of liquidation of assets.

I understand that Hon. Eugene Black, the President of the International Bank for Reconstruction and Development, has agreed to assume the additional duties as President of IFC. This would assure the continuous operation of the Corporation in a sound and progressive manner.

We have been the leader in international finance and we must continue to lead.

The free nations associated with us are relying on us. The legislative bodies of 27 nations have already approved this resolution. If we make any changes or if we refuse to pass it, the whole program will collapse.

Mr. Speaker, I commend this bill to the House.

Under leave to extend my remarks, I insert the pertinent part of the report of the Committee on Banking and Currency on the bill.

The Committee on Banking and Currency, to whom was referred the bill (H.R. 6765) to authorize acceptance of an amendment to the articles of agreement of the International Finance Corporation permitting investment in capital stock, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

WHAT THE BILL WOULD DO

H.R. 6765 would authorize the Secretary of the Treasury, as U.S. Governor of the International Finance Corporation, to vote in favor of an amendment to the charter of the IFC so as to allow the IFC to invest in capital stock under limited conditions. IFC is an international organization, established to stimulate private investment, including equity investment, in the less developed countries which are members of the International Bank for Reconstruction and Development. It carries out its purpose by making investments in private enterprises in association with American and foreign private investors. Under its present charter, IFC investments may take the form of conventional, interest-bearing loans or they may be equity-type investments, involving convertible debentures, stock options, and other devices, but IFC is not permitted to invest in capital stock. The proposed amendment to its charter would allow it to invest in enterprises through the acquisition of stock, but would not allow it to vote the stock for purposes of managing any corporation in which it has invested. This prohibition against voting stock would be subject to the exception that IFC could exercise its voting rights in any situation which in its opinion threatens to jeopardize its investment.

HISTORY OF IFC

IFC was established in July 1956 as an affiliate of the International Bank for Reconstruction and Development (or World Bank). Unlike the IBRD and other similar international lending institutions, it invests solely in private businesses. Its purpose is to give direct encouragement to the stimulation and growth of private enterprise in the less developed countries of the free world.

Any country which is a member of the World Bank may become a member of IFC, and 59 of the Bank's 68 members have now joined. IFC's total authorized capital is \$100 million, of which the present members have actually paid in \$96.6 million, in dollars. The U.S. subscription, which we paid when we joined in 1956, is \$35.2 million.

Through last December, IFC had made investment commitments totaling \$44.8 million, of which \$29.3 million had actually been disbursed. The average size investment is about \$1¼ million. Thirty-six investment commitments have been made, covering 17 countries. In each case, additional private investment funds have been committed alongside the IFC's investment. These private investments have amounted to over \$125 million, or nearly \$3 of new private investment for each dollar IFC invested.

Most of the enterprises assisted by the Corporation are engaged in light and medium manufacturing in such fields as furniture, rubber products, automotive components and replacement parts, electrical equipment, steel products, and food packing. A number of firms in which IFC has invested produce basic materials such as cement, bricks, lumber products, fertilizers, and paper pulp. All of the firms have aided local economies by providing additional employment, and all contribute importantly to the growth of the private sector of the developing economies.

To date, IFC has sustained no losses on its investments.

DISADVANTAGES OF PRESENT RESTRICTION AGAINST IFC'S HOLDING STOCK

Secretary of the Treasury Douglas Dillon's testimony before your committee indicates that IFC has been severely limited in its operations by the provision in article III, section 2(a) of its articles that "financing [by the Corporation] is not to take the form of investments in capital stock."

Because of this limitation, IFC has had to resort to the use of convertible debentures or long-term stock options; that is, instruments which are not themselves common stock and may be converted to common stock only under prescribed conditions and only after they have been transferred out of IFC's hands.

However, convertible debentures are not well known in foreign capital markets, especially in the developing countries. In many of these countries legal provisions for the issuance of such debentures do not exist. Arrangements for long-term stock options have involved techniques which are legally complex and present substantial negotiating difficulties.

In sum, the charter limitation on the purchase of capital stock has severely restricted IFC's ability to carry out its primary function of stimulating private enterprise in the less developed areas.

Similar difficulties encountered by small business investment companies trying to operate under a similar restriction embodied in the Small Business Investment Act of 1958 led to an amendment last year removing this limitation and allowing such companies to invest in stock of small business corporations.

SAFEGUARDS AGAINST ABUSE OF AUTHORITY TO HOLD STOCK

The original reason for including a prohibition against equity investment in the articles of agreement was to insure that IFC would not, as a result of stock ownership, have management responsibilities in the private enterprises in which it invested. Such responsibilities properly lie with the private owners of the enterprise. This concept is a sound one and remains applicable today. Therefore, safeguards have been incorporated in the proposed amendment to insure that IFC will not become involved in the operational or management decisions of the enterprises in which it invests.

The form of the proposed amendment to the articles of agreement is embodied in the proposed resolution of the Board of Governors of the International Finance Corporation. It proposes that article III, section 2, of the Corporation's articles, which contains the restriction against investments in stock, would be deleted, and a new section 2 would be substituted, reading simply:

"The Corporation may make investments of its funds in such form or forms as it may deem appropriate in the circumstances."

In order to safeguard the Corporation's role in exercising voting rights attached to capital stock which it acquires, subsection (iv) of article III, section 3, which now reads, "The Corporation shall not assume responsibility for managing any enterprise in which it has invested," would be amended by adding: "and shall not exercise voting rights for such purpose or for any other purpose which, in its opinion, properly is within the scope of managerial control."

This formulation would achieve the purpose of the original prohibition on the purchase of capital stock. Yet it would also permit the Corporation to take the necessary steps to protect its interests in the event it is legally required, as a stockholder, to vote on such matters as corporate reorganization, increase of capitalization, etc.

Notwithstanding this prohibition, IFC would also have the right, under section 4

of article III of the articles of agreement, to vote its stock where necessary to protect its interests "in the event of actual or threatened default on any of its investments, actual or threatened insolvency of the enterprise in which such investment shall have been made, or other situations which, in the opinion of the Corporation, threaten to jeopardize such investment."

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to ask the gentleman from New York, since I was unable to hear the gentleman from Kentucky, if he can give us a brief explanation of this bill. What is proposed to be done?

Mr. MULTER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. MULTER. This bill has been requested by the Secretary of the Treasury, representing the United States in the International Finance Corporation in order to make its operation more effective. It calls for no additional money on the part of the United States. It calls for no further contribution. It merely is an attempt to make the operation more effective. We found during the operation of this organization that merely offering money as a loan, on a straight loan basis, does not meet the needs of some of these countries that are members of the World Bank and its subsidiary the International Finance Corporation. I think the gentleman in the well knows, as Members of the House do, that only members of the Bank and of the Corporation can avail themselves of their facilities, either by way of loans or equity investment.

Up to now equity investments have not been possible. This will permit equity investments.

Mr. GROSS. This will permit loans to nonmember countries?

Mr. MULTER. No, it will not.

Mr. GROSS. Specifically, what does the gentleman mean by straight loans?

Mr. MULTER. Straight loans are loans which they are presently authorized to make and which must be repaid in full. They are loans to companies within these foreign countries that are members of the Bank, not to the countries themselves. Presently the charter permits the making of loans but not the making of equity investments in any of the enterprises set up in these foreign countries. This bill will permit the organization to take an equity position in a company in these countries that are members of the organization.

Mr. GROSS. It is not anticipated that on the basis of this legislation there will be an increase in the U.S. subscription to this international organization?

Mr. MULTER. Not one dollar more will be subscribed, nor is it intended that this will open the door to further subscriptions. This, if anything, may decrease or at least tend to decrease the call on us for money in our foreign aid programs which we, the United States, support on our own.

Mr. GROSS. Are the loans made in hard or soft currencies?

Mr. MULTER. These are hard currency loans.

Mr. GROSS. What is the rate of interest charged?

Mr. MULTER. The rate varies from country to country in accordance with what the going rate may be in those countries. It is always at a profit to the institution. There have been no losses sustained to date.

Mr. GROSS. I thank the gentleman. Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman. Mr. HOFFMAN of Michigan. What security do we get for the repayment?

Mr. GROSS. I could not answer that question; perhaps the gentleman from New York can.

Mr. HOFFMAN of Michigan. Can the gentleman from Iowa ask the gentleman from New York?

Mr. MULTER. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield.

Mr. MULTER. The security invariably depends upon the situation in the country where the loan is being made. In every instance the security taken is such as any good banker would deem guarantees reasonable assurance of repayment of the loan. These are sound loans.

Mr. GROSS. I am glad to hear there is one international lending institution that at least makes some effort to operate on the basis of sound banking principles.

Mr. MULTER. There are others, too.

Mr. GROSS. I have not heard of them.

Mr. MULTER. The Export-Import Bank is another one. That is solely within the control of the United States. It is a solely owned U.S. corporation. It has always operated on that basis.

Mr. GROSS. I hope the gentleman is correct.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. BOW. The gentleman has received the information that these loans are made in hard currencies. I wonder if the gentleman could find out whether the repayment is made in hard currencies or whether it is made in local currencies.

Mr. GROSS. I yield to the gentleman from New York.

Mr. MULTER. When I talked about hard currency loans, I thought that it was implicit in my statement that not only did we lend in hard currencies, but that the loans are repayable in hard currencies. None of these loans is repayable in soft currencies.

Mr. BOW. Then there will be no further creation of foreign currencies under this act?

Mr. MULTER. No currencies are created under this act and none will be created by this amendment to the charter.

Mr. GROSS. I thank the gentleman; and, Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill, H.R. 6765?

The question was taken; and the Speaker announced that in the opinion of the Chair two-thirds had voted in favor thereof.

Mr. HOFFMAN of Michigan. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were yeas 328, nays 18, not voting 89, as follows:

[Roll No. 85]
YEAS—328

Abbt	Davis, Tenn.	Jennings
Abernethy	Dawson	Jensen
Addabbo	Delaney	Joelson
Addonizio	Dent	Johnson, Calif.
Albert	Denton	Johnson, Md.
Andersen,	Derounian	Johnson, Wis.
Min.	Derwinski	Jonas
Anderson, Ill.	Devine	Jones, Ala.
Andrews	Diggs	Jones, Mo.
Arends	Dingell	Judd
Ashbrook	Dole	Karsten
Ashley	Dominick	Karsh
Ashmore	Donohue	Kastenmeier
Aspinall	Doyle	Kearns
Auchincloss	Dulski	Kee
Avery	Durno	Keith
Ayres	Dwyer	Kelly
Baldwin	Edmondson	Kilday
Barrett	Elliot	Kilgore
Barry	Ellsworth	King, Calif.
Bass, Tenn.	Everett	King, N.Y.
Bates	Fallon	King, Utah
Becker	Fascell	Kirwan
Beckworth	Feighan	Knox
Belcher	Fenton	Kornegay
Bell	Finnegan	Kowalski
Bennett, Fla.	Fisher	Kunkel
Bennett, Mich.	Flood	Kyl
Berry	Fogarty	Landrum
Betts	Ford	Lane
Blatnik	Forrester	Langen
Blitch	Fountain	Lankford
Boggs	Frazier	Latta
Boland	Frelinghuysen	Lennon
Bolling	Friedel	Libonati
Bolton	Gallagher	Lindsay
Bow	Garland	McCormack
Bray	Garmatz	McCulloch
Breeding	Gary	McDonough
Bromwell	Gathings	McDowell
Brooks, Tex.	Gavin	McFall
Brown	Gilbert	McIntire
Broyhill	Goodell	McMillan
Burke, Ky.	Gooding	McVey
Burke, Mass.	Granahan	Mack
Burleson	Gray	Madden
Byrne, Pa.	Green, Pa.	Magnuson
Byrnes, Wis.	Griffiths	Mahon
Cahill	Gubser	Mailliard
Cannon	Hagen, Calif.	Marshall
Carey	Haley	Martin, Mass.
Casey	Halleck	Martin, Nebr.
Celler	Halpern	Mason
Chamberlain	Hansen	Mathias
Chelf	Harding	Matthews
Chenoweth	Harris	Miller
Chipperfield	Harrison, Wyo.	George P.
Church	Harvey, Ind.	Milliken
Coad	Harvey, Mich.	Mills
Cobelan	Healey	Minshall
Collier	Hébert	Moeller
Colmer	Hechler	Montoya
Conte	Hemphill	Moore
Cook	Herlong	Moorehead,
Cooley	Hiestand	Ohio
Corbett	Hoeven	Moorhead, Pa.
Corman	Hollfield	Morgan
Cunningham	Holland	Morris
Curtin	Holtzman	Morse
Curtis, Mass.	Horan	Mosher
Curtis, Mo.	Huddleston	Moss
Daddario	Ichord, Mo.	Multer
Dague	Ikard, Tex.	Murray
Daniels	Inouye	Natcher
Davis, John W.	Jarman	Nix

Norblad
Nygard
O'Brien, Ill.
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
Olsen
O'Neill
Ostertag
Passman
Pelly
Perkins
Peterson
Pfost
Phillips
Pike
Pilcher
Pillion
Pinnie
Poff
Powell
Price
Pucinski
Quie
Rabaut
Randall
Ray
Reece
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Riley
Robison
Rodino
Rogers, Colo.

Alford
Bailey
Battin
Bruce
Dorn
Dowdy

Adair
Alexander
Alger
Anfuso
Baker
Baring
Bass, N.H.
Beermann
Bonner
Boykin
Brademas
Brewster
Brooks, La.
Broomfield
Buckley
Cederberg
Clancy
Clark
Cramer
Davis,
James C.
Dooley
Downing
Evins
Farbstein
Findley
Fino
Flynt
Glaime
Glenn

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Roosevelt with Mr. Adair.
Mrs. Green of Oregon with Mr. Utt.
Mr. Glaime with Mr. Roussellot.
Mr. Hagan of Georgia with Mrs. May.
Mr. Rivers of Alaska with Mr. Osmer.
Mr. Brademas with Mr. Baker.
Mr. Brewster with Mr. Cramer.
Mr. Evins with Mr. Glenn.
Mr. Morrison with Mr. Hoffman of Michigan.
Mr. Willis with Mr. Griffin.
Mr. Thompson of Louisiana with Mr. Bass of New Hampshire.
Mr. Young with Mr. Cederberg.
Mr. Hull with Mr. Dooley.
Mr. Hardy with Mr. Reifel.
Mr. James C. Davis with Mr. Wharton.
Mr. Harrison of Virginia with Mr. Hosmer.
Mr. Loser with Mr. Beermann.

Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Thornberry
Toll
Tollefson
Trimble
Tupper
Udall
Ullman
Vanik
Van Zandt
Vinson
Wallhauser
Walter
Watts
Weaver
Wells
Westland
Whalley
Whitener
Wickersham
Widnall
Williams
Wilson, Calif.
Wilson, Ind.
Yates
Younger
Zablocki
Zelenko

NAYS—18

NOT VOTING—89

Grant
Green, Oreg.
Griffin
Hagan, Ga.
Hall
Hardy
Harrison, Va.
Harsha
Hays
Henderson
Hoffman, Ill.
Hosmer
Hull
Keogh
Kilburn
Kitchen
Kluczynski
Laird
Lesinski
Loser
McSweeney
Macdonald
MacGregor
Machrowicz
May
Meador
Morrow
Michel
Miller, Clem
Miller, N.Y.
Monagan
Morrison
Moulder
Murphy
Nelsen
Norrell
Osmer
Poage
Rains
Reifel
Rivers, Alaska
Rivers, S.C.
Roberts
Roosevelt
Roussellot
St. Germain
Santangelo
Sheppard
Siler
Springer
Staggers
Stephens
Taber
Thompson, La.
Tuck
Utt
Wharton
Willis
Wright
Young

Mr. Sheppard with Mr. Alger.
Mr. Moulder with Mr. Findley.
Mr. Wright with Mr. Broomfield.
Mr. Alexander with Mr. Fino.
Mr. St. Germain with Mr. Hall.
Mr. Clark with Mr. Laird.
Mr. Lesinski with Mr. McGregor.
Mr. Staggers with Mr. Morrow.
Mrs. Norrell with Mr. Siler.
Mr. Murphy with Mr. Meador.
Mr. Monagan with Mr. Springer.
Mr. Clem Miller with Mr. Michel.
Mr. Hays with Mr. Nelson.
Mr. Farbstein with Mr. Miller of New York.
Mr. Keogh with Mr. Kilburn.
Mr. Anfuso with Mr. Harsha.
Mr. Buckley with Mr. Clancy.
Mr. Santangelo with Mr. Taber.

Mr. SMITH of Iowa changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

GENERAL LEAVE TO EXTEND

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and that I may include the report of the committee in my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

OLD SERIES CURRENCY ADJUSTMENT ACT

Mr. SPENCE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1619) to authorize adjustments in accounts of outstanding old series currency, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Old Series Currency Adjustment Act".

Sec. 2. For the purposes of this Act—

(a) The term "Secretary" means the Secretary of the Treasury.

(b) The term "United States notes" means currency notes issued pursuant to the first section of the Act of February 25, 1862 (12 Stat. 345), the Act of July 11, 1862 (12 Stat. 532), the resolution of January 17, 1863 (12 Stat. 822), section 2 of the Act of March 3, 1863 (12 Stat. 709), or section 3571 of the Revised Statutes of the United States (31 U.S.C., sec. 401).

(c) The term "Treasury notes of 1890" means currency notes issued pursuant to the Act of July 14, 1890 (26 Stat. 289).

Sec. 3. The Secretary of the Treasury is hereby authorized and directed to transfer to the general fund of the Treasury, to be credited as a public debt receipt, the following:

(1) Gold held as security for gold certificates issued prior to January 30, 1934.

(2) Standard silver dollars held as security for, or for the redemption of, silver certificates issued prior to July 1, 1929.

(3) Standard silver dollars held as security for, or for the redemption of, Treasury notes of 1890.

Sec. 4. The Board of Governors of the Federal Reserve System, with the approval of the Secretary, may require any Federal Reserve bank to pay to the Secretary, to be credited as a public debt receipt, an amount equal to the amount of Federal Reserve notes of any series

prior to the series of 1928 issued to such bank and outstanding at the time of such payment.

Sec. 5. Any currency the funds for the redemption or security of which have been transferred pursuant to the provisions of section 3 of this Act, and any Federal Reserve notes as to which payment has been made under section 4 of this Act, shall thereafter, upon presentation at the Treasury for redemption, be redeemed by the Secretary from the general fund of the Treasury and thereupon retired.

Sec. 6. (a) Except as provided in subsection (c) of this section, upon completion of the transfers and credits authorized and directed by section 3 of this Act there shall be carried on the books of the Treasury as public debt bearing no interest the following:

(1) Gold certificates issued prior to January 30, 1934.

(2) Treasury notes of 1890.

(3) United States notes issued prior to July 1, 1929.

(4) Silver certificates issued prior to July 1, 1929.

(b) Except as provided in subsection (c) of this section, there shall be carried on the books of the Treasury as public debt bearing no interest Federal Reserve notes as to which payment has been made to the Secretary under section 4 of this Act and the amount of the payment credited as a public debt receipt in accordance with such section.

(c) The Secretary is authorized to determine, from time to time, the amount of—

(1) outstanding currency of any type designated in subsections (a) and (b) of this section,

(2) circulating notes of Federal Reserve banks, issued prior to July 1, 1929, for which the United States has assumed liability, and

(3) circulating notes of national banking associations, issued prior to July 1, 1929, for which the United States has assumed liability,

which, in his judgment, has been destroyed or irretrievably lost and so will never be presented for redemption, and to reduce accordingly the amount or amounts thereof outstanding on the books of the Treasury and to credit such amounts to the appropriate receipt account.

Sec. 7. The first paragraph of the Act of May 31, 1878, entitled "An Act to forbid the further retirement of United States legal-tender notes" (31 U.S.C., sec. 404), is amended by inserting immediately before the period at the end thereof the following: "And provided further, That in the event of any determination by the Secretary of the Treasury under section 6 of the Old Series Currency Adjustment Act that an amount of said notes has been destroyed or irretrievably lost and so will never be presented for redemption, the amount of said notes required to be kept in circulation shall be reduced by the amount so determined".

Sec. 8. (a) The fifth paragraph of section 16 of the Federal Reserve Act (12 U.S.C., sec. 415) is amended by adding at the end thereof the following new sentence: "The liability of a Federal Reserve bank with respect to its outstanding Federal Reserve notes shall be reduced by any amount paid by such bank to the Secretary of the Treasury under section 4 of the Old Series Currency Adjustment Act."

(b) The seventh paragraph of section 16 of the Federal Reserve Act (12 U.S.C., sec. 416) is amended by striking out the third sentence and inserting in lieu thereof the following: "Any Federal Reserve bank shall further be entitled to receive back the collateral deposited with the Federal Reserve agent for the security of any notes with respect to which such bank has made payment to the Secretary of the Treasury under sec-

tion 4 of the Old Series Currency Adjustment Act. Federal Reserve banks shall not be required to maintain the reserve or the redemption fund heretofore provided for against Federal Reserve notes which have been retired, or as to which payment has been made to the Secretary of the Treasury under section 4 of the Old Series Currency Adjustment Act."

Sec. 9. Nothing contained in this Act shall impair the redeemability of any currency of the United States as now provided by law.

Sec. 10. In order to provide a historical collection of the paper currency issues of the United States, the Secretary of the Treasury is authorized, after redemption, to withhold from cancellation and destruction and to transfer to a special account one piece of each design, issue, or series of each denomination of each kind of paper currency of the United States, including bank notes, heretofore or hereafter issued, and to make appropriate entries in the redemption accounts and other books of the Treasury to cover any such transfers.

The SPEAKER. Is a second demanded?

Mr. McDONOUGH. Mr. Speaker, I demand a second.

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the purpose of this bill is to adjust the accounts of old series currency in the Treasury Department. The physical character of our currency was changed in 1929. At that time there were about \$5 billion in old series currency in circulation. Since that time the old series currency has gradually disappeared. Now there is about \$140 million in old currency that is unaccounted for.

The Treasury, by reason of its long experience, believes, and it has evidence to believe, that at least \$100 million of this currency has been lost or destroyed. The Treasury has merely asked that it be permitted to make a bookkeeping entry of this fact. This entry would relieve the Government from paying interest and would release the gold and silver redemption fund for this \$100 million. The Government is now paying interest at the rate of 3 to 4 percent on this \$100 million. In other words, the Government is paying about \$10,000 a day in interest on this lost or destroyed currency. This bill merely involves a bookkeeping entry. If you pass this bill, the Government will cease to pay that interest and will save from \$3 million to \$4 million a year. To save this money is certainly a policy against which there is no argument.

The bill has been passed by the Senate. It had the approval of the last administration and it has the approval of the present administration. I ask you to vote for the bill. In doing so, you will be rendering a service to your country.

Mr. McDONOUGH. Mr. Speaker, this bill came out of the Committee on Banking and Currency without any opposition. It is a good bill, in my opinion. It will restore some \$98 million of gold,

silver, and other assets held as security for our currency.

One of the original sponsors of the bill is the gentleman from Washington [Mr. WESTLAND], to whom I will be glad to yield for whatever time he desires to take.

Mr. WESTLAND. Mr. Speaker, I rise in support of S. 1619.

This is legislation which was conceived almost 4 years ago following a conversation I had with Mr. Charles E. Putnam, of Seattle, who suggested it might be possible to write off certain old currency no longer in circulation. This led to correspondence with Treasury Department officials who advised it had for some time considered the matter, but felt the details should be worked out by the Congress. With their cooperation, a bill was drafted which I introduced August 26, 1957, as H.R. 9444.

The 85th Congress failed to consider the bill, so I introduced the legislation again April 27, 1959, as H.R. 6678. Later, the chairman of this committee, the gentleman from Kentucky [Mr. SPENCE], introduced a similar bill. Also, similar legislation was introduced in the Senate. The Senate version, S. 3712, passed, but failed to reach the floor of the House. When the 87th Congress convened January 4, 1961, once more I introduced the old currency bill, H.R. 1844. My bill is similar to and would accomplish the same purpose as S. 1619 which found overwhelming support in the other body.

Mr. Speaker, I am not concerned with who introduced the legislation or with whose bill is considered. What I am concerned with is passage of the old currency legislation so that our taxpayers can be saved millions of dollars.

The Treasury and the Federal Reserve System are carrying gold, silver, and other reserves against old currency, a large portion of which has been destroyed while in circulation and consequently will never be presented for redemption. This legislation would free these reserves and permit the Treasury to obtain the benefit of their use for current purposes. The bill provides for the amount of the old currency which is outstanding to be carried as a part of the public debt bearing no interest. Any such old currency presented to the Treasury would be redeemed from the general fund and the amount of public debt would be correspondingly decreased.

The amounts carried as public debt would not be subject to the debt limitation. These transfers to the public debt accounts will not have any immediate effect on the current budgets until such times as the Treasury decides that the currency had been destroyed or will never be presented for redemption. When this determination is made, the amounts involved will be converted into the Treasury as miscellaneous receipts.

Mr. Speaker, this approach is along the line of the precedent established by laws and regulations for the adjustment of discontinued national bank circulation and Federal Reserve bank notes.

The Treasury has never reduced its outstanding currency accounts for currency held in private ownership and destroyed by fires, floods, and other disasters, except for a reduction of \$1 million

in the amount of outstanding U.S. notes destroyed with the Subtreasury during the Chicago fire of 1871, and for write-offs of \$8,375,934 in 1880 and \$4,842,066 in 1920 of the fractional currency issued in the 1870's.

This bill would in no way prevent redemption by holders of old series currency nor would it prevent use of this currency as collector's items. The proposed bill would permit the Treasury to withhold from destruction pieces of each currency issued to provide a historical collection of the paper money of the United States.

Mr. Speaker, I believe this bill would be a businesslike step to provide savings to the taxpayers, without any adverse effect on our credit and without impairing the redeemability of the old currency. If the legislation I introduced back in 1957 had been passed and had become law, we could have saved the American taxpayers more than \$10.5 million already.

Mr. Speaker, I sincerely hope that S. 1619 passes in this body so that it may become law. I believe this is an opportunity to take a positive step toward saving money for the taxpayers of this Nation.

Mr. McDONOUGH. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BATES] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BATES. Mr. Speaker, over 2 years ago, the gentleman from Washington [Mr. WESTLAND] advised me of the substance of the bill now under consideration. I was impressed by its purpose and encouraged by the favorable reports concerning it. I have introduced H.R. 1733 which is similar to the Westland bill.

The purpose of these bills is well known to you. The need for them arose because, under law, it is necessary for the Treasury Department to carry gold, silver and other reserves against outstanding currency, some of which was issued 70 years ago and has never been redeemed. Undoubtedly, much of it has been lost or destroyed in one way or another. The bill would provide that the amount of this old currency be carried as part of the public debt bearing no interest. It would improve the Treasury's cash position by \$100 million and save approximately \$3 or \$4 million annually in interest by reducing the need to borrow an equivalent amount.

All of the outstanding money would still be redeemed if presented. There is a precedent established by law and regulation for action of this kind.

This bill has been approved by the Treasury Department and a year ago was passed by the Senate. I urge its enactment.

Mr. McDONOUGH. Mr. Speaker, I now yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

The chairman of the Banking and Currency Committee, the gentleman from Kentucky [Mr. SPENCE], says that the character of our money has been changing. I am sure that he is 10,000 percent right, if any figure can be applied to rightness, that the character of our money has changed over the years. It is becoming cheaper and cheaper and cheaper. That same dollar which we used to talk about as being a dollar is now worth only about 45 cents, or 46 cents, is that correct?

Mr. McDONOUGH. The value of the dollar certainly has been reduced in its purchasing power.

Mr. GROSS. The basic purchasing power of our money has really changed?

Mr. McDONOUGH. It has, and by that I mean one cannot buy so much today with a dollar as one could 10 years ago.

Mr. GROSS. This bill does not provide for any of that multicolored money which they were talking about a week or so ago?

Mr. McDONOUGH. No, sir; this has reference only to old currencies that are presumed to be lost or burned or destroyed, for which we are holding \$98 million in gold and silver in the Treasury.

We want to release that gold and silver and in that manner will actually reduce the national debt by \$98 million.

Mr. GROSS. I was going to ask the gentleman if it did not have the effect of reducing the debt by that much.

With reference to this old currency, is that an estimated figure, or do you have a good, firm figure as to the amount of old currency involved?

Mr. McDONOUGH. These are the best estimates which we could obtain from the Department of the Treasury, and they certainly ought to know.

Mr. GROSS. What is the specific figure? Is it \$100 million, \$98 million, or \$90 million?

Mr. McDONOUGH. The report on the bill indicates that the Treasury Department is holding approximately \$98 million.

Mr. GROSS. Approximately \$98 million?

Mr. McDONOUGH. Yes; in gold and silver. It is close to that amount.

Mr. GROSS. This will not provide as a replacement any of this multicolored money they have been talking about?

Mr. McDONOUGH. It would have no effect on that at all.

Mr. GROSS. Is the gentleman's committee considering that bill providing for blue, green, red, or gold colored money?

Mr. McDONOUGH. Up to now we have had no hearings on any such bills of that nature.

Mr. GROSS. I thank the gentleman.

Mr. McDONOUGH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is, will the House suspend the rules and pass the bill (S. 1619).

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

FREE ENTRY OF ELECTRON MICROSCOPES

Mr. IKARD of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3385) to provide for the free entry of an electron microscope for the use of Wadley Research Institute of Dallas, Tex., with committee amendments as printed in the bill.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Tariff Act of 1930, as amended (19 U.S.C., sec. 1201), is amended by adding at the end thereof the following new paragraph:

"PAR. 1825. Apparatus utilizing any radioactive substance in medical diagnosis or therapeutic treatment, including the radioactive material itself when contained in the apparatus as an integral element of the apparatus, and electron microscopes, and parts or accessories of any of the foregoing, imported for its own use and not for sale by, or on behalf of, any nonprofit society, institution, or organization, whether public or private, incorporated or established for educational, scientific, or therapeutic purposes."

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act and to articles covered by entries or withdrawals which have not been liquidated, or the liquidation of which has not become final, on such date of enactment.

The SPEAKER. Is a second demanded?

Mr. BYRNES of Wisconsin. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. IKARD of Texas. Mr. Speaker, the purpose of H.R. 3385, as amended and unanimously reported favorably by the Committee on Ways and Means, is to place on the free list of the Tariff Act of 1930, as amended, apparatus utilizing any radioactive substance in medical diagnosis or therapeutic treatment, including the radioactive material itself when contained in the apparatus as an integral element of the apparatus, and electron microscopes, and parts or accessories of any of these articles, when imported for its own use, and not for sale, by, or on behalf of, any nonprofit society, institution, or organization, whether public or private, incorporated

or established for educational, scientific, or therapeutic purposes.

At the time the Committee on Ways and Means considered H.R. 3385, there were pending before the committee bills which would have permitted the duty-free importation of one or more electron microscopes for Tulane University, New Orleans, La.; Wadley Research Institute, Dallas, Tex.; Stevens Institute of Technology, Hoboken, N.J.; Stanford University, Stanford, Calif.; University of North Carolina, Chapel Hill, N.C.; Duke University Medical Center, Durham, N.C.; Marine Biological Laboratory, Woods Hole, Mass.; and the University of Louisville, Louisville, Ky.

In each instance, the named institution had ordered from abroad highly specialized electron microscopes for use in connection with its research, medical, and educational activities. Your committee is of the opinion that neither these institutions nor others similarly situated, presently or in the future, should be burdened with having to pay substantial import duties on these needed tools of scientific research and educational pursuits.

Much the same consideration led your committee to include in the bill a provision for apparatus utilizing any radioactive substance in medical diagnosis or therapeutic treatment, including any radioactive material when contained in such apparatus as an integral element thereof. This provision would cover such articles as cobalt 60 therapy units used in cancer therapy.

The bill also provides for duty-free treatment of parts or accessories of the articles covered, such as kits to increase magnification, voltage focusing kits, hot or cold stage kits, and so forth.

Section 2 of H.R. 3385 would establish duty-free treatment for articles covered by the bill which were entered, or withdrawn from warehouse, for consumption after enactment of the bill and also for such articles covered by entries or withdrawals which had not been liquidated, or the liquidation of which had not become final, on the date of enactment.

Your committee feels that the general public interest in developing and advancing scientific or medical research and inquiry and diagnostic and therapeutic techniques will be served by permitting nonprofit societies, institutions, and organizations, whether public or private, established for educational, scientific, or therapeutic purposes to import free of duty the articles covered by H.R. 3385, as amended by your committee.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, I join in the request that the House suspend the rules and pass the bill, H.R. 3385. This legislation would transfer from dutiable status to duty-free status certain apparatus used in medical diagnosis and treatment, and electron microscopes, as well as the parts or accessories for these articles. It would be required that for the duty-free status to apply the articles would have to be

imported by nonprofit organizations organized for educational, scientific, or therapeutic purposes, for its own use.

The committee report accompanying the legislation to the House sets forth a number of the institutions which are interested in the importation of articles under this authority. A review of that list brings to mind the outstanding contributions these organizations have made in the research and educational fields. The Committee on Ways and Means, in unanimously reporting this legislation, was of the opinion that such institutions should not be burdened with the costs of import duties on imports of this character.

I urge my colleagues in the House to concur in the request for suspension of the rules and passage of this bill.

Mr. GROSS. Mr. Speaker, will the gentleman from Texas yield?

Mr. IKARD of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. What I do not understand is, Do we not have good microscopes in this country?

Mr. IKARD of Texas. As the gentleman is well aware, this is a highly technical subject. I am told that the electron microscopes manufactured in the United States do not have a sufficiently large specimen chamber to permit the performance of certain experiments which are essential in the cancer or research and educational programs, that foreign microscopes such as these have a double condenser lens which is still in the developmental and experimental stage in the United States. I am further told that the use of these microscopes by scientists is much the same as when the gentlemen and I are fitted for eyeglasses, that each scientist has different requirements for a specific type of research. It was our feeling that those scientists who are working on cancer or basic research, all of the fields of pure science, should have at their disposal whatever instruments they feel can best do the job for them, as long as the instruments are not for sale and as long as they are used by nonprofit educational institutions.

Mr. GROSS. In what countries are these electron microscopes produced?

Mr. IKARD of Texas. As I understand, and again, this is in a field in which I am not an expert at all, I am told they are made in West Germany, Holland, and Japan. England also makes a certain type of these instruments.

Mr. GROSS. Is this a question of price as well as a matter of better equipment?

Mr. IKARD of Texas. This is a very expensive instrument. It is my further understanding that certain types of these instruments are just not available in this country. It is also my further understanding that certain American firms are at the present time doing research on this particular type of instrument, and that they will probably be available within the next few years. The cost of these instruments runs between \$30,000

and \$50,000 each and the duty is 25 percent.

In most cases the funds used to purchase them are either donated or come from some governmental research or from some nonprofit research group.

Mr. GROSS. The gentleman says that these electronic microscopes cannot be sold. Who is going to check on this and who is going to ride herd on these people to see that they are not sold?

Mr. IKARD of Texas. That is a normal customs problem and I think it is one that they are used to policing. There is not going to be any great flood of these instruments into this country. They will know when these instruments come in and what institutions have them. This is not an item where there will be thousands or hundreds of them. Probably just about 25 or 30 of them will be brought in, so I think it would be a relatively easy problem to take care of that part of it.

Mr. GROSS. Is there anything in the legislation to provide that they cannot be sold?

Mr. IKARD of Texas. Yes, there is. Mr. GROSS. Is there any penalty for selling them?

Mr. IKARD of Texas. There is the general penalty that would apply as to any violation of the customs laws, and such law would apply here if the law was violated.

Mr. GROSS. I thank the gentleman. Mr. IKARD of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is: Will the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Tariff Act of 1930 to provide for the free entry of electron microscopes and certain other apparatus imported by, or on behalf of, certain institutions."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. IKARD of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks with reference to the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ESTABLISHMENT OF A U.S. TRAVEL SERVICE IN THE DEPARTMENT OF COMMERCE

Mr. HARRIS. Mr. Speaker, I call up the conference report on the bill (S. 610) to strengthen the domestic and foreign commerce of the United States by providing for the establishment of a U.S. Travel Service within the Department of Commerce and a Travel Advisory Board, and ask unanimous consent that

the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object, the gentleman plans to take ample time to explain the conference report; does he not?

Mr. HARRIS. The gentleman would be glad to take such time as is necessary. I think the report of the managers on the part of the House is very explicit and when the gentleman hears the report of the managers, I think he will be satisfied but, then, of course, I will take some time also to explain the report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (REPT. NO. 540)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 610) to strengthen the domestic and foreign commerce of the United States by providing for the establishment of a United States Travel Service within the Department of Commerce and a Travel Advisory Board, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: "That it is the purpose of this Act to strengthen the domestic and foreign commerce of the United States, and promote friendly understanding and appreciation of the United States by encouraging foreign residents to visit the United States and by facilitating international travel generally.

"Sec. 2. In order to carry out the purpose of this Act the Secretary of Commerce (hereinafter in this Act referred to as the 'Secretary') shall—

"(1) develop, plan, and carry out a comprehensive program designed to stimulate and encourage travel to the United States by residents of foreign countries for the purpose of study, culture, recreation, business, and other activities as a means of promoting friendly understanding and good will among peoples of foreign countries and of the United States;

"(2) encourage the development of tourist facilities, low cost unit tours, and other arrangements within the United States for meeting the requirements of foreign visitors;

"(3) foster and encourage the widest possible distribution of the benefits of travel at the cheapest rates between foreign countries and the United States consistent with sound economic principles;

"(4) encourage the simplification, reduction, or elimination of barriers to travel, and the facilitation of international travel generally;

"(5) collect, publish, and provide for the exchange of statistics and technical information, including schedules of meetings, fairs, and other attractions, relating to international travel and tourism.

"Sec. 3. (a) In performing the duties set forth in section 2, the Secretary—

"(1) shall utilize the facilities and services of existing agencies of the Federal Government to the fullest extent possible including the maximum utilization of counterpart funds; and, to the fullest extent consistent with the performance of their own duties and functions, such agencies shall permit such utilization of facilities and services;

"(2) may consult and cooperate with individuals, businesses, and organizations engaged in or concerned with international travel, including local, State, Federal, and foreign governments, and international agencies;

"(3) may obtain by contract and otherwise the advice and services of qualified professional organizations and personnel;

"(4) after consultation with the Secretary of State, may establish such branches in foreign countries, as he deems to be necessary and desirable.

"(b) The Secretary, under the authority of this Act, shall not provide or arrange for transportation for, or accommodations to, persons traveling between foreign countries and the United States in competition with business engaged in providing or arranging for such transportation or accommodations.

"Sec. 4. There is hereby established in the Department of Commerce a United States Travel Service which shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, who shall be compensated at the rate of \$19,000 per annum, and who shall report directly to the Secretary. All duties and responsibilities of the Secretary under this Act shall be exercised directly by the Secretary or by the Secretary through the Director.

"Sec. 5. The Secretary shall submit semi-annually to the President and to the Congress a report on his activities under this Act.

"Sec. 6. For the purpose of carrying out the provisions of this Act, there is authorized to be appropriated not to exceed \$3,000,000 for the fiscal year ending June 30, 1962, and not to exceed \$4,700,000 for each fiscal year thereafter.

"Sec. 7. This Act may be cited as the 'International Travel Act of 1961'."

And the House agree to the same.

That the title of the bill be amended to read as follows: "An Act to strengthen the domestic and foreign commerce of the United States by providing for the establishment of a United States Travel Service within the Department of Commerce."

OREN HARRIS,
PETER F. MACK, JR.,
JOHN D. DINGELL,
ROBERT W. HEMPHILL,
JOHN B. BENNETT,
MILTON W. GLENN,
WILLARD S. CURTIN,

Managers on the Part of the House,

WARREN G. MAGNUSON,
GEORGE A. SMATHERS,
E. L. BARTLETT,
JOHN MARSHALL BUTLER,
NORRIS COTTON,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 610) to strengthen the domestic and foreign commerce of the United States by providing for the establishment of a United States Travel Service within the Department of Commerce and a Travel Advisory Board, submit the following state-

ment in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment.

The differences between the House amendment and the substitute agreed to in conference are explained below, except for minor changes made for purposes of clarification.

The substitute agreed to in conference is essentially the same as the House amendment, with exceptions as follows:

The bill as passed by the Senate provided for the establishment in the Department of Commerce of a United States Travel Service to be headed by an Assistant Secretary of Commerce for Travel, to be appointed by the President by and with the advice and consent of the Senate. It was provided that all duties and responsibilities of the Secretary set forth in section 2 of the act should be exercised through the Assistant Secretary. The House amendment provided for the establishment in the Department of Commerce of an Office of International Travel and Tourism, to be headed by a Director to be appointed by the President by and with the advice and consent of the Senate and to be compensated at the rate of \$18,000 per annum. It was provided that the Director should perform such duties in the execution of the act as the Secretary might assign. The substitute agreed to in conference provides for the establishment in the Department of Commerce of a United States Travel Service, to be headed by a Director to be appointed by the President, by and with the advice and consent of the Senate, and to be compensated at the rate of \$19,000 per annum and who is to report directly to the Secretary. It is provided that all duties and responsibilities of the Secretary under the act shall be exercised directly by the Secretary or by the Secretary through the Director.

The bill as passed by the Senate provided that the Secretary of Commerce should submit a quarterly report to the President and the Congress with respect to his activities under the act. The House amendment provided for the making of such reports, but provided that it then should be submitted annually. The substitute agreed to in conference provides for the making of such reports semiannually.

The bill as passed by the Senate contained a short title providing that the act should be known as the International Travel Act of 1961. The House amendment contained no such provision. The substitute agreed to in conference contains this provision from the Senate bill.

The bill as passed by the Senate provided for the establishment in the Department of Commerce of a Travel Advisory Board with power to elect its own chairman, personnel, and for exempting its members from certain conflict-of-interest statutes. The House amendment contained no specific provision for the establishment of an advisory board. With respect to this feature the substitute agreed to in conference is the same as the House amendment, so that no provision is specifically made for the establishment of such a board. The conferees were in agreement as to the House position as expressed in the House committee report; namely, that the Secretary already has established a Travel Advisory Committee in line with the general format of advisory groups which he has established in connection with many activi-

ties of the Department, and in accordance with the customary exchange of letters and arrangements with the Attorney General that apply in this field. The conferees believe that the Secretary has adequate authority to constitute an advisory committee in a fashion that would be most helpful to his exercise of the new responsibilities with which he is charged.

In addition to the amendment to the text of the bill, the House amended the title. The committee of conference has agreed to a modification of the title of the bill so as to make it conform to the changes otherwise agreed to in conference.

OREN HARRIS,
PETER F. MACK, JR.,
JOHN D. DINGELL,
ROBERT W. HEMPHILL,
JOHN B. BENNETT,
MILTON W. GLENN,
WILLARD S. CURTIN,

Managers on the Part of the House.

Mr. HARRIS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, as has been observed from a reading of the statement of the managers on the part of the House, the conference report virtually accepts the provisions of the bill that passed the House in most respects. There are some four differences, I think, in the conference and what we did when we passed the bill in the House.

The Senate provided for the establishment in the Department of Commerce of a U.S. Travel Service to be headed by an Assistant Secretary of Commerce. The House provided in its bill an Office of International Travel and Tourism in the Department of Commerce.

The conferees agreed to establish the organization in the Department of Commerce and that it would be called the U.S. Travel Service, but that it would be administered by a Director to be appointed by the President with the advice and consent of the Senate, and his compensation to be \$19,000.

As the bill passed the Senate the Assistant Secretary of Commerce would have been entitled to the usual compensation that is paid to an Assistant Secretary. The House bill provided for a Director, and his salary would be \$18,000. The conference report provides for a Director in lieu of an Assistant Secretary of Commerce and the salary will be \$19,000.

There were minor differences with reference to reporting. The Senate bill provided for a quarterly report to the President; the House bill provided for an annual report. We compromised this question by making it semiannual, every 6 months. Then there were two other differences. One that might be considered of some importance, and that is the House bill contained no provision for an advisory board; the Senate bill had a provision for such a board. The House conferees felt that there were already a number of such advisory boards within the Department of Commerce available to that Department and felt it was not necessary to set up another. The Senate yielded.

On the matter of the sum authorized, the House figure was \$3 million for the

first year and \$4,700,000 for each year thereafter. The Senate had a limitation of \$5 million for the first year, and it was open for all years thereafter. The House provision prevailed. Those virtually are the differences between the two bills and the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. GROSS. But there still is no limitation; this thing can go on at the rate of \$4,700,000 a year from now to the end of time. Is that correct?

Mr. HARRIS. Provided the Appropriations Committee and Congress pass the appropriations for it.

Mr. GROSS. But I say there is no limitation in the bill.

Mr. HARRIS. \$4,700,000 annually is the limitation, yes.

Mr. GROSS. That is for all time.

Mr. HARRIS. Until the Congress changes it.

Mr. GROSS. I understand there is a Director, not a Secretary; is that correct?

Mr. HARRIS. That is true.

Mr. GROSS. That is provided in the conference report?

Mr. HARRIS. Yes. We felt, and the Secretary of Commerce had the same feeling, that we preferred a Director instead of an Assistant Secretary. There were many reasons for that. We did not feel that this should be considered on an equal basis with some of the other programs which have far greater significance and more far-reaching implications.

Mr. GROSS. And you did sweeten the salary from \$18,000 to \$19,000; is that correct?

Mr. HARRIS. This was a compromise as reached between the House and Senate conferees.

Mr. GROSS. It is a pretty good compromise for the Director. That should make him the best paid travel director in the United States.

Mr. HARRIS. I understand his position will be rather important. The top civil service position is about \$18,500; and taking that into consideration, we felt the Director should be paid more than a top civil service employee, and that is the reason we decided on that figure.

Mr. GROSS. \$19,000 a year for all time for a new Director in Government, a new bureaucrat in Government. Did the conferees give any thought to the fact that tourism to the United States apparently increased by 5 million last year? I believe I read that figure in some hearings I read in connection with another bill. Five million more came to this country last year than the preceding year, yet we have to have a travel bureau. Is that not increasing fast enough?

Mr. HARRIS. The conferees did give a great deal of attention to this matter; the House did when it considered the bill on the floor of the House, as the gentleman recalls; our committee did, and the subcommittee headed by the dis-

tinguished gentleman from Illinois, made quite a record on it. So that subject has been given a great deal of thought and consideration.

Mr. GROSS. Will the gentleman agree with me it will be interesting to watch the performance of this new tourist bureau for the next year to see if it can still produce another 5 million tourists?

Mr. HARRIS. I agree with the gentleman, we will be interested in watching the development, the administration of it and the results. That will be the purpose of our committee.

Mr. GROSS. I may say to the gentleman I was opposed to this bill when it first went through the House, and I am still opposed to it.

Mr. HARRIS. I appreciate the gentleman's feeling.

Mr. Speaker, I now yield to the gentleman from California [Mr. YOUNGER] such time as he may desire.

Mr. YOUNGER. Mr. Speaker, as far as I know, there is no other objection on this side.

The bill came out of our committee unanimously, and the conference report has been signed by all the conferees.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. The bill did not come out of the full committee unanimously. The gentleman refers to the conference committee?

Mr. YOUNGER. I am referring to the conference committee. So far as I know, there was no rollcall.

Mr. WILLIAMS. There was no rollcall, but it was not unanimous.

Mr. YOUNGER. If there was an objection on the part of the gentleman from Mississippi, it was not very pronounced or very strong.

Mr. HARRIS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to, and a motion to reconsider was laid on the table.

FOURTH SUPPLEMENTAL APPROPRIATION BILL, 1961

Mr. THOMAS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7712) making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Ohio [Mr. BOW], and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7712, with Mr. IKARD of Texas in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. THOMAS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I do not think there is too much in this short supplemental bill that is going to give the House any considerable amount of worry. May I say in advance that this is technically the fourth supplemental appropriation bill for 1961, and I think we can all say with sincerity that we hope this is the last one for this fiscal year 1961. I am sure it is because the year is just about out.

There are some half a dozen items in here with a budget estimate of \$88 million. The committee passed upon them, and we are requesting your support to the tune of about \$47 million. There is some retired military pay in here, which is a debt we have to pay. We gave it a slight reduction of about 10 or 15 percent on the theory that there was quite an element of guesswork in it, because you cannot tell exactly how many are going to retire at any particular time. But, whatever amount is necessary to pay, that retirement involves a debt, and certainly we will pay it, and we have not the slightest intention to try to dodge our obligations.

Other than that there are items in here for support of Federal prisons, international organizations and the Secret Service. An item amounting to some \$40 million for "Military personnel, Army," mostly for travel has not been allowed. The regular Committee on Appropriations headed by the gentleman from Texas [Mr. MAHON] and the gentleman from Michigan [Mr. FORD] and his group have been wrestling with this item for years. As a matter of fact, there is a limitation, the 1961 bill on travel for the armed services, in round figures, amounting to some \$677 million. Through perhaps no fault of the armed services, there was an increase in manpower, and they came in for a supplemental of around \$63 million, and we gave them \$55 million. Now they are back with another supplemental. We thought since this item was not apportioned by the budget on a deficiency basis, nor did we find on record that any deficiency law will be waived by the President and by virtue of one more fact, that the fiscal year is coming to an end, that under this military appropriation the armed services would have at their disposal \$3,514,500,000 and we thought they could absorb this.

Mr. BROWN. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Ohio.

Mr. BROWN. I wonder if the gentleman would give us more definite information on this appropriation of \$32,-204,000 supplemental to the Department of State as contributions to international organizations. I understand we are already paying between 32 and 33 percent of the cost of all the United Nations operations, but according to the report on page 2, it is necessary for us to make a contribution to the United Nations to meet a special assessment for the Congo operation. I am wondering why we are paying this special assessment and just what country we are paying for. I understand that the Communist bloc of nations has refused to make any contribution for the Congo operation. I understand that Cuba has refused or failed to make any contribution. Now, does the gentleman mean to say that we are, as Americans and as a government, going to be stupid enough to pay these assessments for the Communist nations whom we are spending billions of dollars trying to defend ourselves against? Is that what this means? I would like to know what this means.

Mr. THOMAS. May I say to our genial and distinguished friend from Ohio, we are meeting our full obligation here.

Now, let us go back, in the first place, and see what this is. There are 19,000 troops over there, which involves some 21 or 22 nations except ourselves.

In this operation our assessment is about one-third of it; to be exact, 32.51 percent. But if you will look a little closer you will find we have been taking some money out of the President's Contingency Fund under the Mutual Security Act and, as a matter of fact, instead of this being \$32,204,000, you can add \$15 million to it. That is what we have already appropriated. It looks as if to date we have spent in the neighborhood of \$97 million. How much longer it will last I do not know, and neither do the other people know.

Mr. BROWN. Permit me to ask one additional question of the gentleman from Texas. You have been very kind in explaining this to me. You say we must meet our obligations. Do you mean to say to me and to the House and to the country that someone in behalf of the United States made an obligation to pay these assessments for these Communist nations? Who made them, may I inquire?

Mr. THOMAS. Well, as you know, the organization makes a budget and it is voted on and the assessment is made, and this is our assessment. We have undertaken or agreed to assume that part of the burden.

Mr. BROWN. We paid our assessment.

Mr. THOMAS. That is right.

Mr. BROWN. This is to pay the assessment of others who have failed to pay?

Mr. THOMAS. No; this is our assessed part. I know what you are getting at, and I cannot disagree with you.

If you will turn to the hearings you will find all of the contributing members—those who have paid and those who have not paid. You have not made a misstatement yet. The Communist nations are not putting up one red cent for this operation, and neither is our distinguished ally, France. If you will turn to the hearings you will find that, to be exact, we are paying 48 percent of the load.

Mr. BROWN. Who made the obligation? Was the obligation made by the State Department?

Mr. THOMAS. The Congress gave to the representatives of the State Department the authority to bind us, and that is what happened.

Mr. BOW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill has come to the floor with the unanimous agreement of the subcommittee. There are some portions, however, that I do not like, but have to go along with because, as the gentleman from Texas has said, this is a commitment which was made for this country to make the payments. I think, however, the House should pay some attention to it and I would like to discuss this United Nations item, particularly if we are going to have a mutual security or foreign aid or foreign give-away bill, or whatever you want to call it, coming up in the future. These are figures that ought to be considered by the House when we are called upon to pass a large bill of this kind, some of which money actually comes out of mutual security that we have been discussing here, and is not in this particular bill. It should be borne in mind that the amount asked in this bill is \$32 million plus and is actually an assessment which was made under article 17 of the articles of the United Nations where the assessment is made by the United Nations against its members. This item is \$32 million. The \$15 million item which we discussed is taken out of mutual security funds, so what you are appropriating here is the levy made against the United States by the United Nations, which is 32 percent of the total cost of the United Nations.

I would like to discuss for a moment what we are actually paying, because if you will turn to the hearings at page 16 you will find there the list of nations in the Communist bloc that are not paying their contribution to the Congo operation. They just refuse to pay. They do not honor their obligations. Their total is about \$26 million. So if this bill is going to be paid, you can rest assured that out of the funds of the United Nations, to which we contribute 32 percent, we are to that extent contributing 32 percent of the cost of the Communist bloc for the Congo operation. To that extent, we are contributing 32 percent of the Communist obligation to pay in the Congo. The American taxpayers have that load on their shoulders, and we might just as well face up to it.

There is one other item here that I think is important on the 79 nations

that have been given some relief. That voluntarily came about. We said, "You people are up against it. You are not rich nations. We are going to relieve you of part of your obligation under article 17." So 79 nations received this aid.

Who is going to pay that bill? Who is paying the total of the 79 nations that are receiving relief? Of course, you know the answer to that one. The American taxpayer is paying for the whole 79 nations, \$15 million. Where is it coming from? Five million dollars is from the mutual security contingency fund. The other \$10 million, by what authority they are getting it I do not know. They claim they have the authority. I do not think they have. Already there, you see, the American taxpayer is paying the whole load of the \$15 million of the 79 nations. Mark you, among those 79 nations of which you are paying 100 percent of that part forgiven is Cuba, so you are paying Fidel Castro's bill. I think it is about time that the American taxpayers began to get some of these facts and that we began to look into it and see if there is not some way that we either do not pay these other people's bills or we get out.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. SMITH of Virginia. We are paying for 79 of the small impoverished nations just as a gift in assuming that obligation.

Mr. BOW. That is correct.

Mr. SMITH of Virginia. I want to know where there is anything in the law that authorizes us to assume those obligations.

Mr. BOW. I asked that question time and time again in the hearings of the representatives of the State Department, to name the authority of law to do this. They came up with the general provisions of the Mutual Security Act, particularly that portion which has to do with the President's contingency fund. They admitted that there is only \$5 million left in that fund. They had to get the other \$10 million some place. I said to them, as you will find if you refer to the hearings, "Send up to us the opinion of your counsel on which you base the authority to pay this out of the Mutual Security Fund." They sent that up to us but I do not understand it and I do not think it is authority at all. I do not believe the authority exists.

Mr. SMITH of Virginia. We ought some day to get to the root of who is obligated to bind Congress up to the point where they have to make an appropriation to just plain give away the money of our taxpayers. On foreign aid, we always get the authorization bill every year. That does obligate us. But here, why are we paying any more than our share of the obligation? There is \$32 million in this bill which it says is going to the Congo. Did Congress ever pass any authorization of any kind for us to bear the cost of the mess down in the Congo?

Mr. BOW. Yes; I would say to the gentleman I think on the \$32 million they are on firm ground, because of article 17 of the articles of the United Nations which provides for a group within the United Nations to make this assessment against nations. Under treaty and under law we have accepted the United Nations. So as long as we are in the United Nations I think under article 17 they could make this assessment against us. But on the \$15 million that we are talking about on this voluntary contribution, there is the place that I do not believe there is authority and that is what I believe the gentleman is referring to.

Mr. SMITH of Virginia. Where do you find in any congressional authorization any authority to pay our share when the other fellow does not pay his share?

Mr. BOW. I do not find any, and I do not like it.

Mr. SMITH of Virginia. When is somebody going to do something about this mess?

Mr. BOW. I am trying in my small way to call the attention of the Congress to this in the hope that we will do something about this, that we will some day come in here and not have to point out year after year that people are not paying their contributions but we are always up-to-date.

Mr. SMITH of Virginia. Then, in view of the fact that that is your objection; why do we not have a minority report here so that we would have something to put our teeth into and so that we might have a vote on this thing and stop some of this foolishness. I understand we are paying, as you just stated, we are paying the Russian's share of this thing.

Mr. BOW. That is correct.

Mr. SMITH of Virginia. Is there any authorization to pay Russia's share?

Mr. BOW. Yes; there is an authorization for the \$32 million that we are appropriating in this bill. The authority comes through the United Nations under article 17. That is the reason there is no minority report here because there is authority for the \$32 million. The point I am making is that there are additional payments being made for Cuba and for these small nations for which I do not think there is authority. But, unfortunately, that is not included in this bill.

Mr. SMITH of Virginia. Then, do I understand the gentleman to say, if all the nations in the world except the United States defaulted on their payments, we would still be paying \$32 million a year?

Mr. BOW. I will say to the gentleman—I think we would—but not with the vote of the gentleman from Ohio who is now addressing the Committee of the Whole.

Mr. SMITH of Virginia. I am just wondering how soon the gentleman from Ohio and some of the other Members are going to vote "no" on some of this stuff and maybe stop something from happening instead of the Congress keeping on doing the same thing.

Mr. BOW. The gentleman from Ohio votes "no" many times and I think we

will have that opportunity again within the next few weeks.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am delighted to yield to my colleague.

Mr. JONAS. If I may have the attention of the gentleman from Virginia [Mr. SMITH], I think we need to distinguish here between these two items. The \$32 million in this bill is, as the gentleman from Ohio says, a legal obligation. The \$15 million was a voluntary contribution made partly out of the \$250 million contingency fund that was granted to the President. Five million dollars came out of that and the remaining ten million dollars will come out of 1962 mutual security funds. But, that item, the \$15 million item, is not involved in this appropriation and there is nothing we can do about it; is that not true?

Mr. BOW. That is correct. That is what I was trying to convey to the gentleman from Virginia. There is nothing that we can have a minority report on because we do have this legal obligation.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am glad to yield to my colleague, the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Am I correct in understanding the gentleman to say that some of the nations which are controlled by the Communists have not paid their share and that, therefore, we the United States had to pick that up?

Mr. BOW. They have refused to pay—not that they just neglected to pay—they have refused to pay any part of it.

Mr. HOFFMAN of Michigan. And do we pay that? Pay the share they should have paid?

Mr. BOW. Since it is going to have to be paid by the United Nations and since we contribute 32 percent of the funds of the United Nations, we are picking up 32 percent of their share.

Mr. HOFFMAN of Michigan. What percentage of the amount that they do not pay do we have to pick up?

Mr. BOW. Thirty-two percent.

Mr. HOFFMAN of Michigan. And then we have our own payment besides.

Mr. BOW. That is correct.

Mr. HOFFMAN of Michigan. So we are financing both sides of it?

Mr. BOW. That is correct.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am glad to yield to my colleague.

Mr. JONAS. I think the record will show that we have not picked up the defaulted items from the Soviet bloc. The Secretary General of the United Nations has robbed other funds to take care of their defaulted obligations. The \$15 million was to take up the rebates that were allowed the 79 nations.

Mr. BOW. The gentleman should also point out that of the funds that the Secretary General of the United Nations robbed to pay that portion of the Soviet bloc, 32 percent of those funds

are paid by the taxpayers of the United States. So, in effect, we are paying 32 percent of the Soviet bloc payments. It is just as plain as that.

Mr. HESTAND. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from California.

Mr. HESTAND. I would like to ask the gentleman from Ohio if there is anything in any part of this \$32 million that could in any way be interpreted as a contribution to Castro's request to the United Nations for a loan of \$5 million.

Mr. BOW. Not of the \$32 million. But, of the \$15 million I would say yes—but not of the \$32 million.

Mr. HESTAND. Not of the \$32 million?

Mr. BOW. That is correct.

Mr. HESTAND. The gentleman hinted that we might have that request coming; has he any idea that it is coming soon?

Mr. BOW. It will come in under the so-called mutual security bill. That will have provisions in it and you will find it in the record of the hearings here when I was pressing him: "Where do you get the authority to pay this?" He said: "\$5 million contingency, \$10 million mutual security funds."

I asked: "Where is the authority for that?" They said: "We are asking for it now." They do not have it, and they are going to come back here to get the authority. That is the day when the gentleman from Virginia and some of the rest of us can do something about it, when we can take away the authority in the bill to make those payments.

Mr. HESTAND. If and when the United Nations agrees to lend \$100 million, they will assess us and we will be obligated to pay \$32 million?

Mr. BOW. Yes; 32 percent.

Mr. CONTE. In regard to the gentleman's question, that would come out of the general funds of the United Nations.

Mr. BOW. That is correct.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. PELLY. If the proposal for back-door spending should continue they could keep on making payments and Congress could do nothing about it.

Mr. BOW. If the back-door approach on foreign aid, foreign giveaway, mutual security, or whatever you want to call it, continues when we would lose all control of any kind. We can talk from now until kingdom come but would not be able to do anything about it.

Mr. AVERY. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. AVERY. I notice in the last section of the bill that a deficiency appropriation for the Treasury Department is carried for extra money needed to cover the President's and Vice President's trips abroad. Of course, I do not question that for a minute, but it did seem to be a related matter. On the trip of the Vice President to the Orient and Asia I read newspaper accounts that the

plane that was leased by the State Department cost approximately \$145,000. Each reporter was charged only \$1,200. If all 31 paid that full amount that would be about \$37,000, leaving a deficit to be picked up by the State Department of roughly \$110,000. Of course, Members of Congress go abroad and we hear a lot about junkets of Congressmen, and we have been the recipients of some very cryptic remarks. I just wonder if the gentleman could tell us what is the policy of the Government as far as subsidizing press coverage of a trip like that taken recently by the Vice President, what the policy is?

Mr. BOW. I do not have those figures at hand and cannot answer the gentleman.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BOW. I shall be glad to yield.

Mr. HOFFMAN of Michigan. When comes the time for some of us Members who want to vote against some of these bills, the one the gentleman is speaking on now and others? We are told we have to vote for this one. Can you tell me when it would be proper for me to vote in opposition?

Mr. BOW. Yes; I will tell the gentleman: When the mutual security bill comes up soon, when the authorization bills come in, defeat them. Oppose the authorization bills; defeat them; do not pass it on to the Appropriations Committee. They have to meet the obligations of this Nation. I do not want the United States to be in default. So long as we have an obligation, and it is a legal obligation, I am compelled to vote the funds to pay it. I hope the day will come when the Congress will quit authorizing these things so that we do not have the obligations against us. That is the time to vote against it. So long as my country is committed to a legal obligation, I, for one, am going to vote the money to pay that obligation. I will also say that we could act to repeal some of these authorizations.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield further?

Mr. BOW. I shall be glad to yield.

Mr. HOFFMAN of Michigan. I can understand the gentleman's high regard for legal obligations, but when you have given away your last shirt and promised to give another, which you do not have and cannot get, what are you to do?

Mr. BOW. I say let us not get in the position where we have to give away our last shirt.

Mr. HOFFMAN of Michigan. But you already have.

Mr. BOW. The time to oppose is when the authorizations come up for consideration. Let us vote down the authorizations rather than have to turn down the appropriations.

Mr. HOFFMAN of Michigan. Can the gentleman tell me when I have voted "yes" on foreign aid?

Mr. BOW. Yes, on some motions to recommit the gentleman has voted "yes."

Mr. HOFFMAN of Michigan. Sure. But a vote to recommit was a "no" vote on the bill.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. If I may comment, I want to commend the gentleman's statement about authorizations. Where all this trouble starts is right in the authorizations that come from the legislative committees. Right now the country is \$290 billion in debt. We have new obligations awaiting hearings by the Rules Committee aggregating some \$4, \$5, \$6, \$7, or \$8 billion, those that are now pending and those we have already passed during this session. You will have before the first of July a bill from the Committee on Ways and Means increasing the temporary debt limit by another \$13 billion. The gentleman was never more right in his life than in the statement he has just made; that is, if we do not have the authorizations your committee would not have to recommend the appropriations.

Mr. BOW. We could not do it if we wanted to because there would be points of order raised, if there were no authorizations.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Missouri.

Mr. CANNON. It might be said also that General Eisenhower said he left us a balanced budget. We are now \$1 billion in the red, and before the end of the session we will be \$5 billion in the red. In addition to refunding the \$290 billion we already owe, we will have to take up that much new money. The people are getting wary. They are not buying bonds. They are not taking our paper money or bonds overseas. The time has come to stop not only in the legislative committees, the time has come to stop in the Appropriations Committee.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Florida.

Mr. FASCELL. With this fourth supplemental appropriation bill, can the gentleman tell us what the appropriation total will be for fiscal 1961?

Mr. BOW. No; I am sorry I cannot. It is possible before the debate is over we can get that figure for the gentleman, but I cannot give it at this time.

Mr. THOMAS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. ROONEY].

Mr. ROONEY. Mr. Chairman, it occurs to me that it might be in order to now answer the distinguished gentleman from Kansas, who spoke about a chartered airplane that went to south-east Asia, I believe in the early part of last month. That plane was going the route anyway. There were 25 or 30 Government employees aboard it.

The press wanted to go along. So the State Department decided that if they went an arbitrary amount of \$1,200

would be set as their fare to travel on this chartered airplane. I think the gentleman stated the figure correctly, there were 31 who went, and I understand they paid \$1,200 each, which cut down the overhead cost of the chartered plane by almost \$40,000.

There was a misleading story on this subject in the Los Angeles Times of June 11, 1961.

Does the gentleman from Kansas have any further questions?

Mr. AVERY. I appreciate the response of the gentleman from New York. I was not questioning the figures at all, I was merely inquiring about policy, as far as press coverage is concerned.

Is it the policy that the Government defrays the cost, or most of the cost, of these press men, or is it a combination proposition?

Mr. Chairman, I include here a newspaper article which appeared in the Los Angeles Tribune on June 11, 1961:

UNITED STATES SUBSIDIZED JOHNSON TOUR
NEWS COVERAGE—PRESENCE OF REPORTERS
SOLICITED; SPECIAL JET PROVIDED FOR PRESS
AT REDUCED RATES

(By John H. Averill)

WASHINGTON.—The administration solicited and subsidized some 38 newsmen to provide U.S. press, radio, and television coverage of Vice President JOHNSON's recent global good will mission, investigation by the Times has disclosed.

The State Department advertised 4 days before the Vice President took off on his 3-week, 30,000-mile trip May 9 that "a special jet for press has been arranged with transportation costs of \$1,200."

The regular round-the-world commercial jet fare is \$2,023, not allowing for costly charter stopovers en route in which the aircraft is out of service.

FARE ADJUSTED

The same cutrate \$1,200 fare was paid by President Kennedy's sister Jean, who accompanied her husband, Stephen E. Smith, in the Vice Presidential party. He is a special assistant in the State Department.

Normally, representatives of news media pay their pro rata share of the cost of aircraft chartered by the White House or State Department for Presidential and Vice Presidential travels. Some Government personnel are usually accommodated on the press plane but the cost to newsmen, though it obviously cannot be figured fairly in advance, sometimes exceeds normal commercial fare for comparable air travel.

SHARES IN CUT

For example, newsmen who covered President Eisenhower's 11-nation trip to India and back in 1959 were billed \$3,375 for jet travel in tourist-class seats. The pro rata round-up charge for Vice President Nixon's 1959 press party in the Soviet Union was about \$1,900 plus internal air fares on Aeroflot, the Russian airline, which demanded cash in advance.

Nixon's comparable round-the-world Asian mission shortly after he became Vice President was made in lower-cost propeller planes. It was covered only by the three U.S. wire services. There was, however, some fare adjustment for representatives of American Negro publications whom the State Department was anxious to have accompany Nixon to Africa in 1957.

In the present instance, however, a rough calculation shows that all newsmen and non-governmental passengers were subsidized by

the State Department to the amount of some \$760, although Assistant Secretary of State William J. Crockett denied persistent reports that there were any free riders.

He challenged the use of the term "press plane" and said a second backup aircraft would have been provided in any event. The Vice President, Mrs. Johnson, and VIP members of his official party used a de luxe 707 jet of the Military Air Transport Service similar to the one usually used by President Kennedy.

When the Government jet developed hydraulic trouble at Wake Island, Crockett explained, JOHNSON's party flew to Saigon aboard the chartered commercial plane and with the newsmen almost filled its 76 first-class seats.

"The rest of the time, it was pretty plushy," one reporter (who prudently asked his name be withheld) told the Times.

THREE THOUSAND DOLLAR COST SEEN

The Johnson press charter plane was equipped throughout with first-class lounge chairs, two on each side of the aisle, and there was continuous first-class food and beverage service for the 2 score passengers and 5 stewardesses. This was a sharp contrast to the crowded 6-abreast, 120-passenger tourist configuration of the Kennedy press plane on last week's summit journey to Paris and Vienna.

Industry sources said the approximate cost of chartering a jet for a 3-week round-the-world tour would be about \$150,000, subject to adjustment, and Crockett agreed this was a fair estimate. A spokesman for Pan-American World Airways, which furnished the charter, declined to give any cost data and referred all inquiries to the State Department.

Using this figure, the pro rata cost if all seats were filled would be \$1,960. With an average of 45-50 passengers, both press and Government, it would be around \$3,000 apiece rather than \$1,200.

Crockett, who is Assistant Secretary of State for administration, told the Times he made no effort to prorate the cost of the second aircraft among the newsmen but set the \$1,200 fee "by guess and by gosh." He said the commercial jet would have been chartered anyway and whatever the press contingent paid "was just so much gravy" for the Government. No suitable military aircraft was available at the time, Crockett contended.

He acknowledged, however, that press officers of the State Department "probably called a few people and said the price would be attractive." Other sources said that the New York Times and several Texas newspapers were among those solicited.

Mr. ROONEY. The newspaperman's newspaper or the periodical he is employed by would pay that cost. There is nothing new about this. This has been going on for a number of years and in the last administration, such as the Nixon trips. It is of advantage to everybody that the press go along and report back actually what is happening and whether or not a trip such as that taken by the Vice President and Mrs. Johnson was productive of good results. Apparently the trip to which reference has been made was highly productive.

Mr. AVERY. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the gentleman from Iowa.

Mr. GROSS. Why resort to this subterfuge of going through the State De-

partment? The State Department raids some unknown fund in the State Department to provide for this transportation. I tried to get at it through the Defense Department, and the Defense Department said, "Oh, no; we didn't provide a plane for the press." Now I find that the State Department dipped into some fund over there to provide for this thing.

Mr. ROONEY. The State Department provided the plane just as it did for Nixon.

Mr. GROSS. Yes. It does not make any difference to me whether it was under this administration or any other administration 25 years ago, it is still wrong.

Mr. ROONEY. Well, I just do not agree with the distinguished gentleman in this regard.

Mr. JENSEN. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. Mr. Chairman, I do not plan to use all of the 10 minutes, but do want to take a little time to comment on one or two items that have not received attention so far.

Of course, this United Nations item and foreign-aid programs always attract the attention of Members, but there are a number of other items in this bill that should be noted but have not been alluded to here today. They bear on this general subject of spending.

For example, you will find on page 65 of the hearings a table showing the gross debts of all of the central governments of the free countries of the world. Those who are interested in how we compare with the rest of the free world in debt should examine that table with care. You will find listed country by country the gross debts owed by the central governments of the free world, and you will find that we owe more money; that is, the United States of America owes more money than all of the rest of the nations of the free world put together. The table does not include the Soviet bloc, but if you include debts owed by the Soviet bloc countries, I am informed by the gentleman from Louisiana [Mr. PASSMAN] that actually we owe more money than all of the rest of the countries of the world put together, including the Soviet bloc, those behind the Iron Curtain. I will include that table as a part of my remarks for the information of all who read the CONGRESSIONAL RECORD.

There is another item in this bill that has not been discussed, and I think it should receive a little consideration. That is the item to provide \$15 million, in addition to \$775 million previously appropriated, to meet our obligations to provide the men who have retired from military service with their pensions. Now, I will ask permission, when we go back into the House, to put a table in the RECORD, and it is found on page 52 of the hearings, which shows the extent of our obligations to retired military personnel. Now, they do not contribute to this fund; it is all paid as part

of the fringe benefits for military service. But, the interesting thing about it is that the amount budgeted for this year was \$775 million but that turns out not to be enough, so we have to add some supplemental funds, and the total will run up to \$790 million this year. However, and please listen to this, testimony before the committee indicated that by 1980 we will be paying \$3 billion a year for military pensions. That has nothing whatever to do with Civil Service pensions. We are \$32 billion in the red on that, and by about 1980 the reserve will be exhausted and we will be asked to appropriate each year billions of dollars to take care of our obligations for Civil Service pensions.

So, it is not accurate to say that we only owe \$290 billion, as large as that sum is, but if you count the unfunded obligations that we have already incurred and if you count what will be required to complete the projects that we are already embarked upon, you will find that the total will be pretty close to three-quarters of a trillion dollars instead of \$290 billion.

As the gentleman from Virginia pointed out, we will be called upon later this week to vote to increase the national debt limit. And if we keep on going the way we are and do not start reducing this debt instead of increasing it, in just a little more than 30 years we will pay out an amount equal to the entire funded debt of the United States in interest alone and will still owe every dime of the principal.

I do not see how any government can continue to follow such a course and remain sound. The time is long past when we in this Chamber who have a responsibility to the taxpayers should refuse to authorize expanded programs and new programs unless they are absolutely essential, and begin, as the gentleman from Ohio said, to scrutinize the authorization bills when they come in here and reject them.

We are an appropriations committee. We cannot ignore the wishes of Congress. You authorize a project. You authorize a program, and the President of the United States sends up a budget item saying what he thinks it will cost to finance that program. We can disagree with the President and frequently reduce his estimates; but we do not have authority to reverse the Congress, and to throw programs that you have authorized out the window. We are making substantial reductions in them. If there is anything of which I will be proud when I leave my service in this body it is the fact that on the subcommittees on which I have served we have reduced budget estimates by about \$5 billion which otherwise would have been spent and added to the national debt. I do not know whether anyone in my district will find out about that or appreciate it if they do, but I will look back upon it with some satisfaction. But we cannot just throw out an item of \$32 million that someone other than the Appropriations Committee committed this country for.

But, if you will read the report and review the hearings you will see that we went into this Congo item quite exhaustively, and we bring you a bill that represents the best judgment of the subcommittee.

I am going to ask permission to include as a part of my remarks some additional tables taken from the hearings which will show this entire picture, the nations that have contributed, those that have refused to pay their assessments, what the money goes for—tables explaining the entire picture.

Mr. OSTERTAG. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from New York.

Mr. OSTERTAG. I want to commend the gentleman for the fine work he has done as a member of the Appropriations Committee. I have been privileged to serve alongside Mr. JONAS as a member of the Independent Offices Subcommittee, and I know of the great contributions he has made in reducing expenditures, and he has done it sanely, sensibly and well.

Mr. JONAS. I thank the gentleman from New York.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I will be glad to yield.

Mr. FASCELL. I want to commend the gentleman for his analysis and for his statement that he intends to include in the Record certain material and charts which would be very helpful to those of us who are not on the Appropriations Committee.

Does the gentleman, as a part of his presentation, intend to submit a chart which would show the estimated expenditures for 1961 as against the total appropriation for fiscal 1961, including this supplemental?

Mr. JONAS. May I say to the gentleman from Florida that this is only a very small supplemental bill, comparatively speaking. Actually, it is the fourth one we have brought in here.

Mr. FASCELL. That is the point. I realize it is small, but it is the little bites that hurt. We just wondered what all of the bites were.

Mr. JONAS. As the gentleman from Virginia has said, it looks now as if we wind up in the red—but we did not in our hearings on this bill tabulate the estimates and compare those with the appropriations that have been made to date on all of the regular and supplemental bills that have been enacted.

The fiscal year will end in about 10 days, and soon thereafter the gentleman from Missouri, the distinguished chairman of the committee, as he always does, will put a table in the Record which will disclose the information sought by the gentleman from Florida.

Mr. FASCELL. I thank the gentleman from North Carolina.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Texas.

Mr. THOMAS. Our friend from Florida [Mr. FASCELL] has asked a very pertinent question. The overall original 1961 request for funds was \$79.5 billion. Added to that perhaps will be another \$4 billion. Part of that was by our distinguished former President and part of that additional \$4 billion is by our present distinguished President.

As to the overall spending program, I doubt if the Committee on Appropriations is in a position at this time to give my good friend an exact picture. It is considerably more than the \$79.5 billions because coming into play is that iniquitous thing that we call, sometimes facetiously, but there is more truth than poetry in it, back-door spending, which we cannot control, nor can the House control, because when the Members of the House vote for back-door spending they vote to release their power over the purse strings. Nobody can dispute that.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Washington.

Mr. PELLY. In testifying before the Finance Committee in the other body in 1958 the president of the Tax Foundation made this statement, that the entire budget in that year was about \$71 billion, and that they had estimated that the Congress had control over only about \$30 billions of those funds.

Mr. JONAS. When we engage in back-door spending we not only give up the future right to control spending but we give up two reviews of those spending programs, one to be made by the Budget Bureau and the other to be made by the Committee on Appropriations. No greater device was ever invented to destroy the power of Congress to control spending than back-door spending.

The following tables will show:

First. Gross debts of all central governments of free world countries;

Second. Number of retired military personnel on the pension rolls, including money required to pay these pensions;

Third. Breakdown of operating costs of the United Nations forces in the Congo from January 1 to October 31, 1961;

Fourth. Payments received as of April 30, 1961 from member nations to support United Nations operations in the Congo;

Fifth. List of United Nations members whose assessments were reduced;

Sixth. List of United Nations members whose assessments were not reduced;

Seventh. List of United Nations members which have not paid their Congo assessments;

Eighth. Detailed list of U.S. contributions to United Nations specialized agencies and special programs for fiscal year 1952, fiscal year 1961 and estimates for fiscal year 1962; and

Ninth. List of allocations by the United States from the mutual security contingency fund.

GROSS DEBTS OF CENTRAL GOVERNMENTS
Gross debt of central governments, free world countries
[Millions of dollar equivalents]

Region and country	Total gross debt outstanding			Region and country	Total gross debt outstanding		
	Date	Amount	Percent of GNP		Date	Amount	Percent of GNP
Near East:				Europe—Continued			
Egypt.....	June 30, 1959	1,133	31.5	Netherlands.....	Dec. 31, 1959	4,811	47.2
Greece.....	Dec. 31, 1959	408	13.5	Norway.....	June 30, 1959	1,262	30.9
Iran.....	Mar. 21, 1960	590	17.3	Portugal.....	Dec. 31, 1959	503	23.2
Iraq.....	Mar. 31, 1958	109	10.4	United Kingdom.....	Mar. 31, 1960	76,021	114.6
Israel.....	Mar. 31, 1960	1,211	54.9	Austria.....	Dec. 31, 1959	705	13.7
Jordan.....	do	30	15.5	Ireland.....	Mar. 31, 1960	1,198	70.0
Lebanon.....	Dec. 31, 1959	21	3.5	Sweden.....	Dec. 31, 1960	4,400	36.3
Syria.....	Dec. 31, 1957	42	5.1	Switzerland.....	Dec. 31, 1959	1,453	18.4
Turkey.....	Feb. 28, 1960	624	14.0	Finland.....	do	546	13.9
South Asia:				Spain.....	do	2,533	27.0
Afghanistan.....	Sept. 23, 1960	161	23.0	Latin America:			
Ceylon.....	Sept. 30, 1960	457	35.8	Argentina.....	Dec. 31, 1959	1,370	17.9
India.....	Mar. 31, 1960	11,692	37.7	Bolivia.....	do	216	115.5
Pakistan.....	June 30, 1960	1,454	25.2	Brazil.....	Nov. 30, 1959	1,201	8.9
Far East:				Chile.....	Dec. 31, 1959	472	12.1
Burma.....	Sept. 30, 1960	228	18.6	Colombia.....	do	208	6.0
Indonesia.....	Dec. 31, 1959	989	21.3	Costa Rica.....	do	86	18.5
Japan.....	Mar. 31, 1960	3,486	10.7	Cuba.....	June 30, 1959	1,280	50.2
Korea (South).....	Dec. 31, 1959	190	13.3	Ecuador.....	Dec. 31, 1959	72	8.6
Malaya.....	do	421	23.7	El Salvador.....	do	45	8.9
Philippines.....	June 30, 1960	1,577	12.4	Guatemala.....	June 30, 1959	71	11.3
Thailand.....	Dec. 31, 1959	428	17.8	Haiti.....	do	63	27.0
Laos.....	June 30, 1960	6	4.3	Honduras.....	Dec. 31, 1959	26	7.0
Vietnam.....	Dec. 31, 1959	427	20.8	Mexico.....	do	596	6.1
Singapore.....	Sept. 30, 1959	38	5.8	Nicaragua.....	June 30, 1960	5	1.7
Africa:				Panama.....	Dec. 31, 1959	66	16.9
Ethiopia.....	Sept. 30, 1960	59	6.6	Paraguay.....	do	13	5.8
Ghana.....	June 30, 1960	96	8.4	Peru.....	do	269	17.0
Liberia.....	Dec. 31, 1959	55	48.7	Uruguay.....	do	154	28.3
Morocco.....	do	415	25.7	Venezuela.....	June 30, 1960	145	2.1
Nigeria.....	Dec. 31, 1958	134	5.2	Oceania:			
Sudan.....	June 30, 1960	34	3.8	Australia.....	do	3,479	23.3
Tunisia.....	Mar. 31, 1960	274	44.1	New Zealand.....	Mar. 31, 1960	2,365	68.6
Union of South Africa.....	do	3,312	48.7	North America:			
Europe:				Canada.....	do	20,997	60.7
Belgium-Luxembourg.....	Dec. 31, 1959	7,629	64.1	United States.....	Dec. 31, 1960	290,400	57.7
Denmark.....	Mar. 31, 1960	1,276	23.1				
France.....	Dec. 31, 1959	16,371	31.7	Total of countries listed.....		487,563	
Germany.....	Mar. 31, 1960	6,095	10.3	Total (excluding United States).....		197,163	
Iceland.....	Dec. 31, 1958	16	11.0				
Italy.....	June 30, 1960	10,044	34.0				

¹ Estimate.

² Domestic debt only as Central Government has no direct foreign borrowing. Government-owned enterprises owed about \$1,600,000,000 of foreign debt, either with or without Central Government guarantee on Dec. 31, 1959.

GENERAL NOTE

- The debt figures in this table are on a gross basis; i.e., no deductions are made for reserves or Government securities held in sinking or reserve funds.
- These debt figures of the Central Government exclude—
 - Debt of Government-owned enterprises not financed by the Government's tax sources, whether or not guaranteed by the Central Government.
 - Other guaranteed debt; i.e., debt incurred by local units and other government agencies which carry a guarantee by the Central Government to assure debt servicing in case of default by the borrowing unit.
 - Dormant debt; i.e., debt which is not serviced.

3. Domestic debt and debt to the United States repayable in national currency has been converted into U.S. dollar equivalents by use of official exchange rates in most instances; where official exchange rates were not applicable, effective rates were used. These dollar equivalents do not reflect the substantial variations in the purchasing power of the dollar from country to country and exact comparisons of gross debt among countries are subject to limitations.

4. Debt repayable in foreign currencies is included on the basis of the original currency with nondollar debt converted at dollar cross rates.

5. Debt as a percentage of GNP has been added as an indicator of the burden of the debt on the economy. The size of the debt service may be a better indicator of the debt burden. However, reliable data on debt service, i.e., the amount of interest and debt retirement, are not available.

Source: Office of Statistics and Reports, International Cooperation Administration, Apr. 17, 1961.

Number of annuitants on retired rolls

Category	Actual June 30, 1959	Actual June 30, 1960	Actual Sept. 30, 1960	Actual Dec. 31, 1960	Actual Mar. 31, 1961	Estimated June 30, 1961
Nondisability.....	118,960	133,254	139,564	145,713	151,977	160,113
Temporary disability.....	13,150	14,064	14,487	14,872	15,065	15,836
Permanent disability.....	69,629	71,233	71,523	71,924	72,308	73,584
Fleet reserve.....	26,660	35,144	38,139	39,923	41,676	44,280
Survivors' benefits.....	1,881	2,312	2,441	2,547	2,659	2,787
Total.....	230,270	256,007	266,154	274,979	283,685	296,600

Additional requirements

Category	Actual obligations through Mar. 31, 1961	Estimated requirements for balance of fiscal year 1961	Revised estimates for fiscal year 1961	Presently available fiscal year 1961	Amount of supplemental fiscal year 1961
Nondisability.....	\$342,599,341	\$124,658,359	\$467,257,700	\$451,647,700	\$15,610,000
Temporary disability.....	24,129,075	7,868,925	31,998,000	31,088,800	909,200
Permanent disability.....	152,237,212	50,969,388	203,146,600	203,146,600	—
Fleet reserve.....	60,083,400	24,379,900	84,463,300	85,982,500	(1,519,200)
Survivors' benefits.....	2,208,870	925,530	3,134,400	3,134,400	—
Total.....	\$581,257,898	\$208,742,102	\$790,000,000	\$775,000,000	\$15,000,000

Comparison of revised estimates with amount presently available

Category	Presently available, fiscal year 1961			Revised estimates, fiscal year 1961		
	Year end	Average number	Cost	Year end	Average number	Cost
Nondisability.....	153,819	143,800	\$451,647,700	160,113	147,256	\$467,257,700
Temporary disability.....	15,329	14,722	31,088,800	15,886	15,329	31,998,000
Permanent disability.....	72,884	72,062	203,146,600	73,584	72,062	203,146,600
Fleet reserve.....	46,892	41,264	85,982,500	44,280	40,532	84,463,300
Survivors' benefits.....	2,787	2,550	3,134,400	2,787	2,550	3,134,400
Total.....	291,711	274,398	775,000,000	296,600	277,729	790,000,000

United Nations operation in the Congo (ONUC) from Jan. 1 to Oct. 31, 1961

PT. A. OPERATING COSTS INCURRED BY THE UNITED NATIONS		PT. A. OPERATING COSTS INCURRED BY THE UNITED NATIONS—continued	
I. Military personnel.....	\$26,310,000	VIII. Contingencies.....	\$2,850,000
1. United Nations daily allowance.....	\$11,100,000	Total, pt. A.....	107,000,000
2. Movement of contingents.....	11,850,000	Global reduction.....	-7,000,000
3. Travel and subsistence.....	1,260,000	Total.....	100,000,000
4. Leave payments.....	2,100,000		
II. Civilian personnel.....	8,790,000		
1. Pay of international staff.....	3,150,000		
2. Pay of local staff.....	1,340,000		
3. Travel and subsistence.....	4,300,000		
III. Maintenance and operation of equipment.....	31,080,000		
1. Maintenance and operation of vehicles.....	4,100,000		
2. Maintenance and operation of aircraft.....	26,980,000		
IV. Rations.....	13,660,000		
V. Supplies and services.....	15,850,000		
1. Freight.....	4,080,000		
2. Rental and maintenance of premises.....	4,270,000		
3. Communications.....	400,000		
4. Other supplies and services.....	6,500,000		
VI. Purchase of equipment.....	7,860,000		
1. Transport and heavy mobile equipment.....	3,990,000		
2. Aircraft.....	600,000		
3. Other equipment.....	3,270,000		
VII. Welfare.....	600,000		
		PT. B. REIMBURSEMENT OF EXTRAORDINARY COSTS	
		IX. Reimbursement to governments.....	28,000,000
		1. Costs relating to pay and allowances.....	\$22,500,000
		2. Costs relating to equipment and supplies.....	5,000,000
		3. Death and disability awards.....	500,000
		Total, pt. B.....	28,000,000
		Global reduction.....	-8,000,000
		Total.....	20,000,000
		Total, pts. A and B.....	120,000,000
		10 months' pro rata costs and total assessments.....	100,000,000

United Nations operation in the Congo, payments received as of Apr. 30, 1961

Period, July-December 1960:	
Total due.....	\$48,500,000
Amount received.....	\$26,387,793
Percent received.....	54.41

Collected contributions

Country:	Amount
Australia.....	\$433,465.50
Canada.....	1,506,232.00
India.....	595,712.50
Ireland.....	77,491.00
Japan.....	530,329.50
Netherlands.....	489,162.00
New Zealand.....	203,414.00
Turkey.....	142,874.00
United Kingdom.....	3,768,002.00
United States.....	15,745,211.00
Total.....	23,491,893.50
Credits under UNGA resolution 1583(XV).....	2,895,899.50
Total.....	26,387,793.00

UNITED NATIONS CONGO ACCOUNT, JANUARY-OCTOBER 1961

Countries entitled to rebate

(a) Countries in the 0.04- to 0.25-percent range; 80 percent:	
Afghanistan, Albania, Bolivia, Bulgaria, Burma, Cambodia, Cameroun, Central Afri-	

can Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Dahomey, Dominican Republic, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, Iran, Iraq, Ireland, Israel, Ivory Coast, Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malaya, Mali, Morocco, Nepal, Nicaragua, Niger, Nigeria, Panama, Paraguay, Peru, Portugal, Saudi Arabia, Senegal, Somalia, Sudan, Thailand, Togo, Tunisia, Upper Volta, Uruguay, and Yemen.

(b) Countries from 0.26 to 1.25 percent receiving ETAP aid, 80 percent:

Argentina, Brazil, Chile, Colombia, Hungary, Indonesia, Mexico, Pakistan, Philippines, Spain, Turkey, United Arab Republic, Venezuela, and Yugoslavia.

(c) Countries above 1.25 percent receiving ETAP aid, 50 percent:

China, India, Japan, and Poland.

UNITED NATIONS OPERATION IN THE CONGO
Countries not entitled to a rebate for the period January-October 1961:

	Assessed amount
Australia.....	\$1,773,155
Austria.....	425,953

UNITED NATIONS OPERATION IN THE CONGO—Continued

	Assessed amount
Belgium.....	\$1,287,766
Byelorussian S.S.R.....	465,577
Canada.....	3,080,733
Czechoslovakia.....	861,813
Denmark.....	594,354
Finland.....	356,612
France.....	6,339,772
Italy.....	2,228,826
Netherlands.....	1,000,495
New Zealand.....	416,047
Norway.....	485,389
Rumania.....	336,800
Sweden.....	1,376,919
Ukrainian S.S.R.....	1,783,061
Union of South Africa.....	554,730
U.S.S.R.....	13,491,828
United Kingdom.....	7,706,785
United States.....	32,204,061
Total.....	76,770,676

No collections have been received on the assessments for the period January-October 1961 as of the current date (June 13, 1961).

NOTE.—For countries who have paid their assessments for 1960, see page 9.

United Nations Congo account—Shares of the U.S.S.R. and certain other countries in 1960 and 1961 assessments for the Congo account

Country	1960 and 1961, percent	1960 assessment	1961 net assessment	Total	Country	1960 and 1961, percent	1960 assessment	1961 net assessment	Total
Albania.....	0.04	\$19,373	\$7,925	\$27,298	Rumania.....	0.34	\$164,668	\$336,800	\$501,468
Bulgaria.....	.16	77,491	31,699	109,190	Ukrainian S.S.R.....	1.80	871,774	1,783,061	2,654,835
Byelorussian S.S.R.....	.47	227,630	465,577	693,207	U.S.S.R.....	13.62	6,596,425	13,491,828	20,088,253
Czechoslovakia.....	.87	421,358	861,813	1,283,171	Total.....	19.09	9,245,650	17,740,466	26,986,116
Hungary.....	.42	203,414	83,210	286,624					
Poland.....	1.37	663,617	678,553	1,342,070					

U.S. contributions to U.N. specialized agencies and special programs, fiscal year 1952, fiscal year 1961, and fiscal year 1962

	Actual, fiscal year 1962	Estimated, fiscal year 1961	Estimated, fiscal year 1962		Actual, fiscal year 1962	Estimated, fiscal year 1961	Estimated, fiscal year 1962
A. U.N. and specialized agencies:				C. ONUC—Continued			
United Nations.....	\$16,394,244	\$19,269,331	\$22,332,810	Economic.....		\$30,000,000	\$35,000,000
Food and Agriculture Organization.....	1,355,000	2,999,210	3,000,000	Subtotal.....		97,166,894	62,000,000
Intergovernmental Maritime Consultative Organization.....		40,813	45,329				
International Civil Aviation Organization.....	698,610	1,395,000	1,428,000	D. Special programs financed by voluntary contributions:			
International Labor Organization.....	1,466,412	1,975,364	2,448,967	International Civil Aviation Organization, joint support.....	\$676,312	842,991	993,000
International Telecommunications Union.....	109,264	326,456	300,000	United Nations Children's Fund.....		12,000,000	12,000,000
United Nations Educational, Scientific, and Cultural Organization.....	2,785,400	3,832,952	4,676,765	United Nations Educational, Scientific, and Cultural Organization, education in Africa.....		1,000,000	
Universal Postal Union.....	13,867	26,145	29,480	United Nations Expanded Program of Technical Assistance.....	11,400,000	17,812,817	40,000,000
World Health Organization.....	2,481,159	5,355,110	6,070,273	United Nations High Commissioner for Refugees.....		1,300,000	1,200,000
World Meteorological Organization.....	24,855	125,918	117,897	United Nations Korean Reconstruction Agency.....	10,000,000		
Subtotal.....	25,328,811	35,346,299	40,449,521	United Nations Relief and Works Agency.....	50,000,000	23,500,000	24,700,000
B. United Nations Emergency Force:				United Nations Special Fund.....		18,811,869	(2)
Assessed.....			6,115,519	World Health Organization:			
Voluntary.....		3,200,000	1,800,000	Water supply.....		175,000	400,000
Subtotal.....		3,200,000	7,915,519	Malaria eradication.....		4,000,000	2,500,000
C. ONUC:¹				Medical research.....		500,000	500,000
Military:				Subtotal.....	72,076,312	79,942,677	82,293,000
Assessed calendar year 1960.....		15,745,211		Total.....	97,405,123	215,655,870	192,658,040
Assessed calendar year 1961.....		32,204,061					
Voluntary calendar year 1960.....		14,217,622					
Voluntary calendar year 1961.....		5,000,000	10,305,596				
Voluntary calendar year 1962.....			16,694,404				

¹ No funds requested to date for calendar year 1962 assessment; therefore, no amount shown.

² Included in UNTA request.

Allocation of mutual security contingency fund for fiscal year 1961 as of April 30, 1961

[In thousands of dollars]

AFRICA	
Cameroun.....	2,000
Central African Federation.....	500
Congo (Leopoldville).....	46,838
East Africa.....	780
Entente States.....	7,700
Ethiopia.....	1,200
Ghana.....	600
Guinea.....	210
Liberia.....	550
Libya.....	21
Malagasy.....	550
Mali.....	2,475
Mauritania.....	50
Morocco.....	49
Nigeria.....	3,042
Northern Rhodesia.....	300
Senegal.....	3,658
Sierra Leone.....	252
Somalia.....	550
Sudan.....	500
Do.....	284
Togo.....	916
Tunisia.....	5,000
Regional technical support.....	165
Classified project.....	3,355
Total.....	81,545

NEAR EAST AND SOUTH ASIA

Cyprus.....	75
Iraq.....	400
Jordan.....	5,000
Pakistan.....	427
Do.....	400
Turkey.....	22,900
United Arab Republic.....	97
Yemen.....	2,000
Indus Basin.....	6,807
Regional.....	15
Do.....	150
Total.....	38,271

FAR EAST

Korea.....	20,000
Philippines.....	73
Classified projects.....	3,000
Total.....	23,073

Allocation of mutual security contingency fund for fiscal year 1961 as of April 30, 1961—Continued

[In thousands of dollars]

LATIN AMERICA	
Brazil.....	490
Bolivia.....	10,000
British Guinea.....	300
Chile.....	20,000
Colombia.....	500
Do.....	90
Costa Rica.....	140
Ecuador.....	295
Do.....	25
Guatemala.....	10,025
Do.....	200
Haiti.....	5,970
Honduras.....	3,500
Panama.....	6,000
Venezuela.....	90
West Indies Federation.....	2,500
Central American Bank.....	2,000
Total.....	62,125

EUROPE

Iceland.....	6,000
Yugoslavia.....	25,000
NATO science program.....	128
Total.....	31,128

NONREGIONAL

Aid to American schools abroad.....	2,500
Cuban refugees.....	5,000
Disaster relief (worldwide).....	180
Freight differentials.....	1,050
Ocean freight, voluntary relief agencies.....	1,150
Project Hope.....	250
Peace Corps.....	1,000
UNTA and Special Fund.....	5,000
Other programs.....	3,450
Total.....	25,000
Total.....	44,580
Total, all programs.....	280,722

¹ In addition, \$20,000 included under "Non-regional, other programs," is programmed for the U.N. operation in the Congo.

The CHAIRMAN. The time of the gentleman has expired. All time of the gentleman from Iowa has expired.

Mr. THOMAS. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Chairman, I have had nothing to say about this bill up to this time. It so happens that because of a death in my family I could not attend the hearings on this bill, but our good colleagues and minority members of the committee with me, the gentleman from Ohio [Mr. Bow], and the gentleman from North Carolina [Mr. JONAS], have done a commendable job in helping our very able chairman, the gentleman from Texas [Mr. THOMAS], and the majority members in reducing this bill to the present figure.

I can understand the anxiety in the hearts of my colleagues who are concerned about the fiscal situation of our beloved land as it exists today. It is something about which every deep-thinking patriotic American should be concerned. In full committee not long ago, the full Committee on Appropriations is composed of 50 members, 20 minority members and 30 majority members, I had this to say when a bill was before the full committee which requested billions of our taxpayers' dollars be appropriated. I said, "On the shoulders of we 50 Members of this Congress, the members of the Committee on Appropriations, rests the greatest responsibility for the survival of our way of life." I am sure almost every member of that committee recognizes that responsibility. Why did I say that? Because under our U.S. Constitution all appropriations are supposed to originate in the House of Representatives, since that committee has control of the purse strings in the first instance. Over the past 19 years as a member of that committee I have offered motions in subcommittees of which I am a member to

reduce budget requests totaling hundreds and millions and possibly billions of dollars. I am more concerned today about the future of our country and the stability of the American dollar than ever before. When we know that the President of the United States has requested billions over and above what the Eisenhower budget requested for fiscal year 1962 and when we know also that in a few days, a bill will be presented to this House to raise the debt limit at least \$5 billion, I have voted against the last two bills that came to this floor to raise the debt limit, and some of my colleagues have said to me, "Ben, we must raise the debt limit or Uncle Sam will not be able to pay his bills as they come due."

Now, you and I know that when an individual has signed notes in amounts more than his or her total worth, that person's signature on a note is worthless. That is about where Uncle Sam stands today. What happens then? Bankruptcy is the easy way out, then next rank inflation will follow. Uncle Sam can continue to pay his bills, but only if we begin now to retrench. Thus it would not be necessary to raise the debt limit. We should all be smart enough to know at this late date that so long as this Congress continues to vote to raise the debt limit, the administrative bureaucrats will continue to spend, spend, on the theory that did not the Congress want them to spend, spend, spend, the Congress would not have raised the debt limit.

So when the bill comes to the floor soon to again raise the debt limit, I shall again vote against it. For as I said before, so long as we raise the debt limit, the bureaucrats will continue to spend, spend, and then spend billions more, until that evil day, which has befallen every nation on earth that traveled the full spending road to financial destruction and on which this Nation has been traveling full speed ahead for almost three decades.

Mr. THOMAS. Mr. Chairman, I yield myself 30 seconds and, in the absence of further requests for time, I shall then respectfully ask that the Clerk read.

Mr. Chairman, may I ask my colleagues to refer to the committee hearings. They are short, but there are worlds of good tables contained in the hearings. Our friend, the gentleman from North Carolina [Mr. JONAS] has very ably pointed that out to you, and he certainly made a very analytical statement. I suggest, if you have time, look over those tables and also refer to the report. After all, with the exception of one item, every item was cut—and, as I say, with the exception of that one item, the average was cut about 45 percent.

Mr. Chairman, I ask that the Clerk read.

The Clerk read as follows:

DEPARTMENT OF DEFENSE—MILITARY
Military personnel

Retired Pay, Department of Defense

For an additional amount for "Retired pay, Department of Defense", \$14,500,000.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is the fourth deficiency appropriation bill this year. We are 11 days away from the end of the fiscal year, and we are still passing deficiency appropriation bills. That, I think, is a record. This House ought to be ashamed to pass deficiency appropriation bills within 11 days of the beginning of a new fiscal year.

Once more, the chickens are coming home to roost in this bill. The taxpayers are going to get their tail feathers plucked again. Bad as is back-door spending, even worse is this delegation of power to foreigners as well as fuzzy-brained representatives of this country, meeting in New Delhi, India, Bangkok, Hong Kong, or Timbuktu, and voting increases in the U.S. contributions to various foreign organizations. Foreigners voting what amounts to tax increases on American citizens.

Talk about delegations of power. I noticed in the newspapers over the weekend that Congress apparently is going to be confronted with another delegation of power. It is suggested that the President now must have power to raise or lower taxes. No longer is Congress competent to fix the tax policy of this country, raising or lowering taxes; it must now be given to the New Frontier, to President Kennedy, to raise or lower taxes. As far as I am concerned, I am not going to vote to give Kennedy or any other president the power to raise or lower taxes and by the procedure that Congress reject such a plan in 60 days or it will go into effect. That is not for me.

The taxpayers are going to get rapped over the knuckles again in this bill, all because the representatives of some foreign governments hold a meeting in some distant place and vote that we Americans have got to pay so much money for the support of this Congo outfit.

The gentleman from New York [Mr. ROONEY] on page 21 of the hearings questioned the witnesses:

Mr. ROONEY. What are the accounts you say the Secretary General of the U.N. has dipped into?

Mr. GARDNER. The Working Capital Fund, I think.

Mr. ROONEY. How much?

Mrs. WESTFALL. The Working Capital Fund has been drawn down completely. He has drawn some from the U.N. Special Fund and also from the Children's Fund. We will be glad to give you a statement on that.

After the committee adjourned, the witnesses provided a statement showing that U.N. officials got \$12 million from the United Nations Special Fund and grabbed \$10 million from the United Nations Children's Fund, UNICEF.

Now, I would like to ask the chairman, Mr. Thomas, this question: Is any part of the money appropriated here to replenish the Children's Fund; to provide money that was robbed from the poor children?

Mr. THOMAS. No. This is the cost of the Congo assessed to the United States. You have \$32.2 of appropriated funds here and the remainder is in

pledges to the United Nations. They tell us in committee that the head man of the United Nations has dipped into the meal barrel to keep his organization going; and they say that in the very near future if certain funds do not come in that it will be very very critical for the United Nations.

Mr. GROSS. One minute, there. Who is going to put the money back in the Children's Fund? Every time a difficulty comes up is the Secretary General going to dip into the barrel and rob these poor, downtrodden children? Who is going to put the money back?

Mr. THOMAS. I think there are about 79 members in the United Nations organization.

Mr. GROSS. All right, but they refuse to contribute to the Congolese army?

Mr. THOMAS. Not all of them.

Mr. GROSS. You bet your life they do not. Who is going to put the money back that the Secretary General looted from these others funds?

Mr. THOMAS. I hope that the members who belong to the United Nations will put it back. I hope that we will not have to carry forever any more than our agreed share of 32.5 percent.

Mr. GROSS. The gentleman knows, as does the gentleman from New York [Mr. ROONEY], and let me quote his words:

Mr. ROONEY. You say you have been seeking a remedy for this unfortunate financial condition? When did you start to do that? The situation—

Says Mr. ROONEY—

has been unfortunate for many years now, since the beginning of the U.N.

Sure it has. Somebody said a while ago that we ought to make them pay up or we ought to get out of the U.N. No truer statement was ever made.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. GROSS. Mr. Chairman, I suspect my good friend from New York [Mr. ROONEY], will vote for every dime of this \$32 million, despite the fact Americans have had to carry the load ever since the organization began.

Mr. ROONEY. After the inquiry and statement of the gentleman, I asked this question:

What would happen if this committee were not to approve the full amount of \$32,204,000? Would that throw the books of the United Nations out of kilter and cause the Secretary General to dip into other accounts?

Mr. GARDNER. If we fail to come forward with this money, I think the whole United Nations operation at the Congo will be put into jeopardy. You might have to have a drastic withdrawal of troops with deleterious results, which might include Soviet penetration and widespread civil war.

I am going to vote for the \$32 million. I do not want these things to happen.

Mr. GROSS. The same old leaping from crisis to crisis, the same old argument.

Mr. ROONEY. I did not create these crises.

Mr. GROSS. But the gentleman is perfectly willing to vote the way he does because somebody conjures up another crisis.

I notice in the hearings that the U.N. has gone so far as to rebate to some of these foreign countries, while they were loading it on the American taxpayers. Is that not true?

Mr. THOMAS. I did not hear the gentleman.

Mr. GROSS. Does not your hearing record show that the United Nations is rebating to some of these countries?

Mr. JONAS. Seventy-nine nations received rebates ranging up to 80 percent of their assessments.

Mr. GROSS. Yes, 79 nations received rebates up to 80 percent of their assessments.

Mr. JONAS. Yes. That is what part of this \$15 million went to replenish.

Mr. GROSS. Yes. This is being loaded on the backs of the American taxpayers, and they keep pouring it on.

I would like to ask the chairman of the subcommittee how much the Congo airlift has cost the United States?

Mr. THOMAS. Ten million dollars. And it is a pretty good guess it is going to cost another ten or twelve million dollars. I think those figures are reasonably accurate.

Mr. GROSS. How much did these wonderful friends of ours, the British, put up for the original airlift? Your hearings show the British put up \$600,000 of the original cost. We put up \$10 million. The French refused to contribute anything. Is that correct?

Mr. THOMAS. That is correct; and the Soviets did not put up a dime either.

Mr. JONAS. We had a discussion about the cost of the airlift in the subcommittee. Frankly, I was disappointed when the State Department witnesses made the categorical statement that the Air Force had been repaid for the cost of the airlift. I talked with Air Force officials this morning, and understand that the total bill is about \$26 million.

Mr. GROSS. And they told you \$10 million.

Mr. JONAS. They told us it was \$10,300,000 but they had reference to an interim charge. There still remains about \$16 million of the airlift cost unpaid. The \$10.3 million was paid to the Air Force from mutual security funds.

Mr. GROSS. Apparently it is about double. I may say to the gentleman I shall offer an amendment when we get to the \$32 million item to cut that amount by \$10 million. Maybe that will help a little bit. Let us save the taxpayers just a little bit out of this.

Mr. JONAS. Originally we were told that the agreement was that the different countries who provided the airlift would do that as a contribution and not as an assessment.

Mr. GROSS. And, Congress has been loading in on top of assessments and all kinds of so-called voluntary contributions not only to the main body of the United Nations but to all the special programs and subsidiary organizations of the United Nations. I am sick and tired of it.

The Clerk read as follows:

DEPARTMENT OF STATE

International organizations and conferences contributions to international organizations

For an additional amount for "Contributions to international organizations", \$32,204,000.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 2, line 15, strike out "\$32,204,000" and insert "\$21,886,378".

Mr. THOMAS. Mr. Chairman, will the gentleman yield? And I will ask that this does not come out of the gentleman's time.

Mr. GROSS. Yes.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph end in 5 minutes following the gentleman, and that the remaining 5 minutes be allotted to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GROSS. I thought the gentleman was rising to accept the amendment on behalf of the taxpayers.

We discussed this situation earlier. The hearing record shows that the original cost of the airlift was \$10,317,000. I do not know of any better way to cut this appropriation and pay off just about half of what the airlift has already cost and still leave them more money than anyone should expect our taxpayers to cough up. The amendment is fair and reasonable. It is a small cut in this appropriation, and I am sure that they will be able to understand our huge debt situation in the United Nations. I hope the gentleman and the subcommittee will accept the amendment.

Mr. ROONEY. Mr. Chairman, I rise in opposition to the pending amendment.

Of course, the Committee of the Whole in its wise judgment will not accept the pending amendment. This sort of hit or miss approach to an important appropriation bill, such as the one now under consideration by the Committee of the Whole, is, in my humble estimation, not proper.

Now, let us see what the facts are in regard to the Congo airlift. The cost incurred by the Department of Defense for the initial airlift of United Nations troops to the Congo amounted to \$10,317,621.53. This amount was reimbursed to the Department of Defense out of Mutual Security funds for the current fiscal year. Now, of course, you must remember this airlift started back in July 1960. Now, in addition to this amount \$10,317,621.53, as of April 11, 1961, 2 months ago, the United States billed the United Nations for \$9,909,213.19 incurred by the Department of the Air Force in connection with the airlift of United Nations troops to the Congo and an additional \$1,779,684 for supplies. Furthermore, the United Nations has been requested to reimburse us,

and this Government expects it will be reimbursed for this additional \$11,688,897.19 by the United Nations.

Now, in connection with the further costs of the United Nations in the remainder of calendar year 1961, whatever the costs of the airlift may be, it is expected that this Government will bill the United Nations for them.

It is highly important that we do not here renounce this successful U.N. method of bringing peace to Africa, and to the Congo particularly, by adopting an amendment such as the one now under consideration by the Committee of the Whole. I therefore ask, Mr. Chairman, that the pending amendment of the gentleman from Iowa [Mr. Gross] be defeated.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the distinguished gentleman from Iowa.

Mr. JENSEN. Do I understand that other nations are furnishing troops in lieu of dollars?

Mr. ROONEY. That is correct. There are 19,000 troops in the Congo, not one of whom is an American.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa, Mr. GROSS.

The amendment was rejected.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, may I have the attention of my colleague, the gentleman from Iowa [Mr. Gross]?

Mr. Chairman, today, as I listened to the discussion, it seemed that almost everyone seemed to think there is too much money in this bill; that it was bad legislation. And while almost everyone condemned the bill, I understood from what I heard on both sides that this was not the time to vote against this type of legislation. The gentleman from Ohio [Mr. Bow] said that we should watch for authorizations. Certainly, but authorizations have a way of passing. Now we were stuck.

The situation calls to mind something that happened in the House Restaurant the other morning at breakfast. I walked in and there was a very good friend, an able, respected gentleman, a Member of this House. He had with him a friend, evidently from his district. As I sat down at their invitation, he said, "CLARE, what are you going to do about Cuba?" "Well," I said, "that is up to the administration. I do not believe that I have anything to say about it. In the first place I do not know enough about the agreements we have made to say anything about it. I lack the information; and in the second place, the remedy is not for me to determine. The responsibility is that of the President. We must support him until it comes to a decision of war or peace. But," I said, "what would you do?"

He said, "Well, I would blockade that island—Cuba. I would have done that long ago."

I said, "Fine, but if I remember correctly, you have voted for foreign aid

and participation in all these international agreements ever since you have been here."

He said, "Yes, that is true."

I said, "What are you going to do now?"

This falls right along the line of the argument made by the gentleman from Ohio [Mr. Bow] that it was a legal obligation and high water or low we must keep our promise. I said, "What would you do?"

He said, "I would violate our promise."

I said, "Why are you going to do that, an honorable gentleman like you? You are law abiding, you want to keep your word."

"Well," he said, "you know, when it comes down to the last stand and necessity calls when it is our national existence or keeping a promise then we must protect ourselves."

Apparently, that is about where we are now on this matter. It helps not at all now to chide those who got us to this end.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to my colleague.

Mr. GROSS. There was some discussion a moment ago about this army over in the Congo.

Mr. HOFFMAN of Michigan. Do not worry. As always, we will send our men over there, do not worry about that. Just how many men have we killed helping others—sticking our national nose into other nations' business, reforming the world, trying to force others to accept our thinking, our way of doing things? How many widows? How many orphans? All because some of us cannot go along with Washington's advice to avoid entanglements with other nations. Oh, our do-gooders have something to answer. Here comes another war.

Mr. GROSS. We are taking care of every dime of their expenses. They have surplus manpower. Is it not interesting, India has 5,000 so-called troops in the Congo today, but she could not furnish a single combat troop in Korea—not one. I wonder if this Indian Army would be in the Congo today if there were any shooting worthy of the name over there.

Mr. HOFFMAN of Michigan. You do not need to worry about our not having any troops over there. I have one grandson in Germany. I do not know whether he is to fight to keep Berlin or not. You remember we gave Berlin or part of it away. I have another over in the Mediterranean, on a ship. I do not know whether he is to be sent down to the Congo or not. It is not only our dollars that are going over there. Our own flesh and blood will be over there pretty soon.

Not so long ago it was Britain's proud boast that the sun never set on the British flag. Today is there a land or a sea which does not hold the body of an American boy?

We have made a bad bargain and some day we will have to get out of it. As was said to the gentleman from Ohio [Mr. Bow] when he was here in the well, "You promised to give two shirts, and you have only got one."

What are we to do about it? We will have to renege sometime, much as I dislike any procedure of that kind. I try to keep my word, but I am quite careful about promises. Instead of saying "Yes," sometimes I say "Maybe." More often a "No." Sometimes we will be forced to just quit sending and spending all this money for we will not have it and will be unable to borrow it. Then we will stop the Russians. As far as I am concerned, it is my purpose to keep on voting "No."

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield. Mr. GROSS. We are being asked here this afternoon to pick up \$32 million worth of bad debts of the rest of the world.

Mr. HOFFMAN of Michigan. We are financing both sides of the issue as we have done many and many a time. The only justification I can see for it is that we are a fairminded people; as in a horserace, when we have a handicap in order to try to make the running for all a fair one. So we finance both sides in a pending war. How silly and worse can we get? In Laos we financed all three factions; \$41 million a year, according to the Hardy committee, we poured in there, for an army and fighting force with three factions fighting each other and not one supporting us. I just cannot see it.

As usual I will vote "no"—a "yes" vote for my country.

Mr. THOMAS. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. IKARD of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7712) making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. LIPSCOMB. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LIPSCOMB. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LIPSCOMB moves to recommit the bill H.R. 7712 to the Committee on Appropriations.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 292, nays 63, not voting 81, as follows:

[Roll No. 86]

YEAS—292

Addabbo	Felghan	McDonough
Addonizio	Fenton	McDowell
Albert	Finnegan	McFall
Andersen,	Flood	McIntire
Minn.	Fogarty	McMillan
Ashley	Ford	Machrowicz
Ashmore	Fountain	Mack
Aspinall	Frazier	Madden
Auchincloss	Frelinghuysen	Magnuson
Avery	Friedel	Mahon
Ayres	Fulton	Mailiard
Bailey	Gallagher	Marshall
Baker	Garland	Martin, Mass.
Baldwin	Garmatz	Mathias
Barrett	Gary	Matthews
Barry	Gathings	Michel
Bass, N.H.	Gavin	Miller,
Bass, Tenn.	Gilbert	George P.
Bates	Goodell	Mililkin
Battin	Goodling	Mills
Beckworth	Granahan	Minshall
Belcher	Gray	Moeller
Bell	Green, Pa.	Montoya
Bennett, Fla.	Griffin	Moorehead,
Blatnik	Griffiths	Ohio
Blitch	Gubser	Moorhead, Pa.
Boggs	Hagen, Calif.	Morgan
Boland	Haley	Morris
Bolling	Halleck	Morse
Bolton	Halpern	Mosher
Bow	Hansen	Moss
Breeding	Harding	Multer
Brooks, La.	Harrison, Wyo.	Natcher
Brooks, Tex.	Harvey, Mich.	Nix
Broyhill	Hays	Nygaard
Burke, Ky.	Healey	O'Brien, Ill.
Burke, Mass.	Hechler	O'Brien, N.Y.
Byrne, Pa.	Henderson	O'Hara, Ill.
Byrnes, Wis.	Herlong	O'Hara, Mich.
Cahill	Holland	Olsen
Cannon	Holtzman	O'Neill
Carey	Horan	Ostertag
Celler	Huddleston	Passman
Chamberlain	Ichord, Mo.	Patman
Chelf	Ikard, Tex.	Pelly
Chenoweth	Inouye	Perkins
Chipperfield	Jarman	Peterson
Church	Jennings	Pfost
Coad	Jensen	Philbin
Cohelan	Joelson	Pike
Collier	Johnson, Calif.	Plicher
Conte	Johnson, Md.	Pirnie
Cook	Johnson, Wis.	Poff
Cooley	Jonas	Powell
Corbett	Jones, Ala.	Price
Corman	Jones, Mo.	Pucinski
Curtin	Judd	Quile
Curtis, Mass.	Karsten	Rabaut
Curtis, Mo.	Karth	Rains
Daddario	Kastenmeter	Randall
Dague	Kearns	Reuss
Daniels	Kee	Rhodes, Ariz.
Davis, John W.	Keith	Rhodes, Pa.
Davis, Tenn.	Kelly	Riehlman
Dawson	Kilday	Riley
Delaney	Kilgore	Robison
Dent	King, Calif.	Rodino
Denton	King, N.Y.	Rogers, Colo.
Diggs	King, Utah	Rogers, Fla.
Dingell	Kirwan	Rooney
Dominick	Kornegay	Rostenkowski
Donohue	Kowalski	Roush
Doyle	Kunkel	Rutherford
Duke	Landrum	Ryan
Durno	Lane	St. George
Dwyer	Langen	Saund
Edmondson	Lankford	Saylor
Elliott	Lennon	Schadeberg
Ellsworth	Libonati	Schneebell
Everett	Lindsay	Schwelker
Fallon	McCormack	Schwengel
Fascell	McCulloch	Scott

Scranton	Sullivan	Wallhauser
Seely-Brown	Taylor	Walter
Selden	Teague, Calif.	Watts
Shelley	Thomas	Weaver
Shipley	Thompson, N.J.	Wells
Shriver	Thompson, Tex.	Westland
Sibal	Thomson, Wis.	Whalley
Sikes	Thornberry	Whitener
Sisk	Toll	Wickersham
Slack	Tollefson	Widnall
Smith, Iowa	Trimble	Wilson, Calif.
Smith, Miss.	Tupper	Yates
Spence	Udall	Younger
Stafford	Ullman	Zablocki
Steed	Vanik	Zelenko
Stratton	Van Zandt	
Stubblefield	Vinson	

NAYS—63

Abbitt	Devine	Moore
Abernethy	Dole	Murray
Alford	Dorn	Norblad
Anderson, Ill.	Dowdy	O'Konski
Andrews	Fisher	Pillion
Arends	Forrester	Ray
Ashbrook	Gross	Reece
Becker	Hall	Rogers, Tex.
Beermann	Harris	Roudebush
Berry	Harsha	Schenck
Betts	Harvey, Ind.	Scherer
Bray	Hiestand	Short
Bromwell	Hoeven	Smith, Calif.
Brown	Hoffman, Mich.	Smith, Va.
Bruce	Johansen	Teague, Tex.
Burleson	Knox	Utt
Casey	Kyl	Van Pelt
Colmer	Latta	Whitten
Cunningham	Lipscomb	Williams
Derounian	Martin, Nebr.	Wilson, Ind.
Derwinski	Mason	Winstead

NOT VOTING—81

Adair	Green, Oreg.	Moulder
Alexander	Hagan, Ga.	Murphy
Alger	Hardy	Nelsen
Anfuso	Harrison, Va.	Norrell
Baring	Hébert	Osmer
Bennett, Mich.	Hemphill	Poage
Bonner	Hoffman, Ill.	Reifel
Boykin	Hollifield	Rivers, Alaska
Brademas	Hosmer	Rivers, S.C.
Brewster	Hull	Roberts
Broomfield	Keogh	Roosevelt
Buckley	Kilburn	Rousselot
Cederberg	Kitchin	St. Germain
Clancy	Kluczyński	Santangelo
Clark	Laird	Sheppard
Cramer	Lesinski	Siler
Davis	Loser	Springer
James C.	McSweeney	Staggers
Dooley	McVey	Stephens
Downing	Macdonald	Taber
Evins	MacGregor	Thompson, La.
Farbstein	May	Tuck
Findley	Meador	Wharton
Fino	Morrow	Willis
Flynt	Miller, Clem	Wright
Gialmo	Miller, N.Y.	Young
Glenn	Monagan	
Grant	Morrison	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Rousselot against.

Until further notice:

Mr. Sheppard with Mr. Adair.
 Mr. Roosevelt with Mr. Wharton.
 Mr. Moulder with Mr. Cederberg.
 Mr. Keogh with Mr. Bennett of Michigan.
 Mr. Buckley with Mr. Fino.
 Mr. Anfuso with Mr. Glenn.
 Mr. Brademas with Mr. Kilburn.
 Mr. Brewster with Mr. Hoffman of Illinois.
 Mr. Farbstein with Mr. Nelson.
 Mr. Gialmo with Mr. Reifel.
 Mrs. Green of Oregon with Mr. Siler.
 Mr. Morrison with Mr. Alger.
 Mr. Willis with Mr. Dooley.
 Mr. Thompson of Louisiana with Mr. Laird.
 Mr. McSweeney with Mr. McVey.
 Mr. Wright with Mr. Clancy.
 Mr. Young with Mr. MacGregor.
 Mr. Loser with Mr. Morrow.
 Mr. Macdonald with Mr. Cramer.
 Mr. Murphy with Mrs. May.
 Mr. Hagan of Georgia with Mr. Taber.
 Mr. Harrison of Virginia with Mr. Meador.
 Mr. Evins with Mr. Osmer.

Mr. Santangelo with Mr. Miller of New York.

Mr. St. Germain with Mr. Findley.

Mr. Rivers of Alaska with Mr. Hosmer.

Mr. Hull with Mr. Springer.

Mrs. Norrell with Mr. Broomfield.

Mr. GREEN of Pennsylvania changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RETRAINING OF JOBLESS WORKERS

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Speaker, on Sunday, June 18, 1961, the Washington Post published in its "Outlook" section a full-page article by Julius Duschka on the retraining of jobless workers. This excellent story was built around the work done at the Mayo Vocational School in Paintsville, Ky., which is in my district.

Under the leadership of James Patton, assistant State superintendent of schools for vocational education; George Ramey, general manager of Mayo Vocational School; C. F. Esham, in charge of the State's adult education program; and Luther Safreit of the Mayo Vocational School, students of all ages are receiving valuable training not only in vocational skills, but also in basic school subjects.

While the article was primarily directed at retraining of older workers, it made reference to the bill which is being considered by this committee. I am, therefore, placing it in the RECORD.

Throughout this country there are many fine vocational schools as well as vocational departments in regular high schools. The resources of these schools and the know-how of their professional staffs can be utilized effectively in meeting the problems which we are considering here. In some instances it may be possible to make these services available to youth in the conservation camps where they are located in the same areas, but perhaps more important, the title of the bill dealing with public service projects for unemployed youth lends itself to a very effective utilization of the vocational and regular educational programs. It will be possible to set up such work programs in localities serviced by the vocational schools so that youth employed on them can receive training in both vocational and basic school subjects.

CAN LIFE BEGIN AT 40 FOR A NATION'S JOBLESS? THERE IS HOPE FOR SOME, BUT HOW MANY CAN BE RETRAINED AND MOVED?

(By Julius Duschka)

PAINTSVILLE, Ky.—Elias Wolford swung himself across the crowded shop floor. An aluminum crutch helped support his good leg while a wooden crutch replaced the leg he had lost in a coal mine 10 years before. Now, however, there was no work for Wolford in the mines.

At the age of 40 and after spending 18 years digging coal out of the harsh, uncompromising hills of eastern Kentucky, Wolford was learning to be an auto body mechanic. He had not been to school since the fourth grade, and that was more than 30 years ago. But, Wolford said with a smile that creased his lined face, "I'm getting straight A's."

At the other end of the Mayo Vocational School, 48-year-old Hobart Jackson was working with an acetylene torch. He had finished the eighth grade, gone to work in the Harlan County coalfields when he was 15, lost his right arm in a mine when he was 25 and his job last year, and now after 27 years as a miner was learning to be a welder.

When a visitor apologized for interrupting Jackson, he carefully put down his torch, slowly removed the steel plate he had been holding in the grip of his aluminum artificial arm, pushed his goggles onto his forehead and said that he was getting hot anyway. Yes, Jackson realized that it was late in his life to be learning a new trade, but he was confident that he would find a job when he finished his course 2 years from now, at 50.

Two benches away from Jackson sat William Markland, a 47-year-old miner who was also hoping to begin life anew as a welder after 32 years in the mines. He, too, had only an eighth grade education. He said he had no trouble reading but that "math was tough." He was enjoying himself nevertheless. "I always thought I'd like welding," he added.

Wolford, Jackson, and Markland are but three of the hundreds of thousands of Americans who have been thrown out of work in recent years either by machines or by the changing needs of the Nation's economy. They have discovered that whatever skills they had developed in half a lifetime or more of labor can no longer be marketed. It is as if the men had been tossed on a scrap heap, like a worn-out pickax or a broken shovel.

To help the chronically unemployed, President Kennedy has proposed a program to retrain and relocate them. It is part of the administration's efforts to train workers in the skills demanded by an increasingly mechanized economy. The President has also asked Congress to set up a pilot on-the-job training program for youths, a youth corps to carry out public service projects in cities and a conservation corps of youths to live and work in parks and forests.

To attack the problems of depressed areas directly, Congress has approved Mr. Kennedy's \$389 million loan and grant program designed to bring industry into the Nation's more than 100 areas of chronic unemployment. This program is just getting started, and no loans have yet been made under it.

If any of these programs are to succeed, however, the Nation's economy must be vigorous and expanding. This is basic to the administration's whole approach to the depressed areas. If, for example, there is not enough work in the cities for the men who are already there, it will do no good to send trained men from eastern Kentucky to the cities to search for work.

The retraining and relocation legislation submitted to Congress by the President last month would provide Federal funds for the first time specifically for these purposes. The

program, however, would be carried out largely through existing State and local vocational schools like the Mayo School in eastern Kentucky.

The Government not only would pay for the reeducation of the chronically unemployed and up to half the cost of relocating them; it would provide subsistence funds for them while they were going to school. The payments could not exceed unemployment compensation benefits, which would mean a ceiling of around \$40 a week. Laws in most States now prohibit the payment of unemployment benefits to persons attending school.

Subsistence allowances are essential to the success of a retraining program. Few of the chronically unemployed have the resources to sustain themselves through even a 6-month retraining program.

At the Mayo School, practically all of the older men who have enrolled have been disabled miners eligible for benefits under the United Mine Workers' health and welfare programs. Former miner Wolford gets a \$30-a-week living allowance while going to school. The UMW also pays his rent and utilities as well as his tuition.

I have just completed a trip along the winding roads through the picturesque valleys, across the green ridges and into the shady hollows of eastern Kentucky, where some of the country's most breathtaking scenery masks some of its most incredible poverty.

In this beautiful but depressed coal mining and tobacco farming region, heroic efforts are being made by the State of Kentucky and by local school districts to help the unemployed pick up the broken threads of lives that were always hard.

The work that has been done in eastern Kentucky, however spotty and insufficient it may be, is considered by both Federal and State school and vocational education authorities as a useful pilot study if not a model for the proposed Federal retraining programs.

At the highly successful Mayo Vocational School in Paintsville, Ky., Luther Safriet, the school coordinator, believes that older men can be trained almost as easily as youths. But he does not know whether even well-trained men in their thirties or forties will be able to find jobs.

"I'm 44," said Safriet, a big energetic man who looks stronger than a 20-year-old all-American tackle, "and I'd hate to try to sell myself to somebody at my age."

"Companies that come to us for people," Safriet went on, "seldom want to hire anyone who is over 25 and won't even talk to anyone over 40."

Still another drawback facing the chronically unemployed—nearly all of whom are unskilled and have little education—is the demand made by most employers for a high school education. A vocational school can take a man with just a third or fourth grade education and make a mechanic or a welder out of him, but a big company is not likely to employ the man unless he is a high school graduate.

In the hills of Kentucky as well as in other depressed areas such as West Virginia, western Maryland, southern Illinois, and northern Minnesota, the level of education is depressingly low. For generations the pattern had been a grade school education followed by a lifetime of hard but well-paid work—usually in the mines.

Kentucky is acutely conscious of the shortcomings of its schools. With a limited amount of funds, the State is not only upgrading its elementary and secondary schools but also is providing night classes for adults in the depressed areas as well as training in vocational schools.

Four nights a week Maynard Caudill, a miner with a sixth grade education, goes to

the Elkhorn City High School in Pike County to make up for the hours he spent in a mine instead of a classroom. He is lucky, though: he still has a job. But Caudill, who is not yet 30, realizes that his job too may soon be gone and that he will undoubtedly need a high school diploma to get another job.

"Why," said his pretty, dark-haired wife, Ethel Marie, who also is going to night school to get her high school diploma, "even truck drivers around here are required to be high school graduates."

Mr. and Mrs. Caudill have a long way to go even to get the new high school "equivalency" certificate that Kentucky is offering to persons who have not completed high school but who can pass a test indicating that they are as qualified as a high school graduate.

Handicapped as the Caudills may be with their sketchy educations, they at least can read and write. Many of their friends and neighbors cannot. In two Kentucky coal counties—Harian and Johnson—literacy classes have been started for adults. When a bookkeeping instructor asked the 17 members of his night class in the Elkhorn school how many knew people who could neither read nor write, two-thirds of the students raised their hands.

Then there is the corrosive effect that years of poverty have had on the once proud and independent people of the Kentucky hills. Relief has become an accepted way of life. The distribution of surplus foods is now almost a social occasion as well as a grim necessity of life in the valleys and hollows where there is no longer any work. There are traffic jams along the winding mountain roads on food distribution days; this is still an economy on wheels, however old and rusty the wheels may be.

The man who has never been over the ridge to the next valley is now hard to find, but the hollows are still filled with men and women who have been bypassed by most of the amenities of civilization.

At night, lighted television screens glow eerily through the open, unscreened doors of the dismal, unpainted houses sitting precariously on the hillsides along the roads. There are drive-in movies, too, and washing machines on front porches.

The sleek supermarket can be found in the mountain towns, along with the chrome-spotted, glass-enclosed drugstore. In a few counties there are new courthouses, and in some towns new banks are being built.

But there is still a distressing antipathy toward education. If an eighth grade education was good enough for the old man, why does the kid need more?

The unlettered, free-swinging fundamentalist ministers are still powerful mountain potentates standing in the way of change. The banker and coal operator prefer the blue chip securities of the New York stock market to the chancy investment in their own hollow.

And the man in his thirties, forties, or fifties is often frightened at the thought of moving even to Louisville, let alone Cincinnati, Cleveland, Detroit, or Chicago. Yet move he must if he hopes to find a job after he is retrained.

The Mayo School has discovered that one of the greatest needs of its students is training in such rudiments of modern life as meeting and dealing with people, filling out forms, making estimates, reading blueprints, and simply following instructions. So Mayo has included a Dale Carnegie course on how to win friends and influence people as part of its curriculum.

In the last decade, tens of thousands of young men and women have made the often difficult transition from the protective hills of eastern Kentucky to the impersonal uncertainties of the cities, and many more will do so in the 1960's. But few older persons

have moved from their beloved valleys and ridges.

Yet any Federal retraining programs in Kentucky will have to include relocation. In eastern Kentucky, as in the other depressed areas of the Nation, jobs of any description are scarce. Auto mechanics are needed in eastern Kentucky; so are radio and television repairmen. In some counties there is work for skilled printers, carpenters, and plumbers. But the list ends just about there.

Welders, machinists, electricians, draftsmen, and other skilled workers must move out of Kentucky to Ohio, Indiana, Illinois, Pennsylvania, New York and other heavily industrialized States to find jobs. Nowhere, in or out of Kentucky, is there a demand for men without skills.

Business and political leaders in eastern Kentucky are hopeful that the low-interest loans which the new depressed areas program will make available will help to attract industry to the valleys and hollows. But no one foresees an influx of industry which would provide work for all of the people of the area.

In the opinion of such experienced Kentucky educators as James Patton, assistant State superintendent of schools for vocational education, and C. F. Esham, who is administering the State's new adult education program, a retraining program must include such traditional high school subjects as English and mathematics as well as training in a skilled trade.

Nor, adds Mayo coordinator Safriet, should a retraining program seek to speed up existing vocational school schedules. It now takes Mayo 2 years to train a man, and officials who administer the State-financed school contend they need all of that time.

The officials point out that industry does not want mere machine operators or wartime riveters; companies are looking for skilled machinists, electricians and other workers who can carry through on complicated tasks.

But, vocational and adult educators caution again and again, employers must also be "retrained" so that they will hire older men. During the last 10 years, only about 4 out of every 100 students at the Mayo School have been more than 30. Thus, out of the present annual enrollment of 1,000, no more than 40 or so students are older men.

With such a small percentage of older men, the school has had relatively little difficulty placing them. But school officials do not think they could easily find jobs for large numbers of older men because of the age barriers erected by most employers throughout the Nation.

"If," says educator Safriet, "you train a man as, say, a welder and then he cannot find a job, you have done more to defeat that man than anything else you could possibly do."

"That man," Safriet adds, "goes back home dejected, defeated. Industry is simply going to have to change its attitude."

There are many reasons for industry's negative approach to older men. Executives and foremen alike feel that younger men are easier to train, that they produce more. Furthermore, older workers generally are a greater burden on the health and pension plans which are now so common in industry.

But what is to be done with these men if they are not to be put to work? Can the United States afford to push aside men simply because they are past 40 and have been thrown out of work by the vagaries of an ever-changing and irresolute economy?

The alternative to a retraining and relocating program can only be more surplus food, more relief payments, more unemployment compensation, more subsistence-level living.

And even the most successful retraining program will never touch all of the chronically unemployed. There will always be a residue of men who prefer to live out their days in poor but familiar surroundings rather than start over again in prosperous but unfamiliar places.

Men like Elias Wolford do not want a crutch; they want a job. Hobart Jackson needs a helping hand, but only to get started again. William Markland wants a job as a welder—not a handout—to support himself, his wife and their 14-year-old daughter.

But Wolford, Jackson, and Markland—and the hundreds of thousands of other chronically unemployed—cannot make the transition from surplus coal miner to skilled, in-demand worker without the help of a sympathetic Government that is as concerned about obsolete workers as it is about wornout machines.

PORT OF NEW YORK AUTHORITY

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include a decision by U.S. District Judge Luther W. Youngdahl.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, on June 15, last week, U.S. District Judge Luther W. Youngdahl announced an important and comprehensive decision which completely justifies the contempt citation which this body voted against Austin J. Tobin, director of the Port Authority of New York, for his failure to turn over records to Subcommittee No. 5 of the House Committee on the Judiciary subpoenaed in connection with an inquiry into activities of the authority. Every contention raised by the port authority was denied. This revealing and cogent reasoning of Judge Youngdahl makes valuable reading for each Member. I am including this opinion with my remarks. It can well be a lodestar for guidance of committees of Congress:

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—CRIMINAL CASE NO. 986-60

(*United States of America, plaintiff v. Austin J. Tobin, defendant*)

OPINION

Mr. William Hitz, assistant U.S. attorney, and Mr. John C. Keeney, attorney, Department of Justice, with whom Mr. Oliver Gasch, U.S. attorney at the time of argument, was on the brief, for the plaintiff.

Mr. Roger Robb and Mr. Sidney Goldstein, general counsel, the Port of New York Authority, pro hac vice by special leave of court, with whom Mr. Daniel B. Goldberg, Mrs. Rosaleen C. Skehan, Mr. Joseph Lesser, Mrs. Isobel E. Muirhead, and Mr. Michael Zarin were on the brief, for the defendant.

Mr. David D. Furman, attorney general, State of New Jersey; Mr. Burrell Ives Humphries, deputy attorney general, State of New Jersey; Mr. Daniel M. Cohen, assistant attorney general, State of New York, each pro hac vice by special leave of court, with whom Mr. Louis J. Lefkowitz, attorney general, State of New York, was on the brief, amici curiae by special leave of court for the States of New Jersey and New York.

Mr. Woodson D. Scott, attorney for the New York Chamber of Commerce, pro hac vice by special leave of court (Mr. Harry A. Inman, of counsel), amici curiae.

Mr. Richard W. Ervin, attorney general, State of Florida, filed a brief on behalf of

that State and other States, as amici curiae by special leave of court.¹

This is a contempt of Congress prosecution against Austin J. Tobin, executive director of the Port of New York Authority.² The authority is an agency established by the States of New Jersey and New York pursuant to congressionally approved interstate compacts.

The charge is brought by the Government under 2 U.S.C. sec. 192, which provides that one "who having been summoned as a witness by the authority of either House of Congress . . . to produce papers . . . willfully . . . refuses to [produce papers] pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor."

Prosecution followed defendant's citation for contempt by the House of Representatives and subsequent certification of the citation by the Speaker of the House to the U.S. attorney for the District of Columbia.³

The alleged contempt was Mr. Tobin's refusal to produce certain authority documents and memoranda subpoenaed by Subcommittee No. 5⁴ of the House Judiciary Committee⁵ in connection with its investigation of the authority during the 2d session of the 86th Congress. Mr. Tobin is, in his own words, "in complete charge of all files of the port authority, both . . . the official records and the internal records."⁶

¹ These States and the names of their respective attorneys general who joined in Mr. Ervin's brief are: Mr. MacDonald Gallion, Alabama; Mr. Duke W. Dunbar, Colorado; Mr. Januar D. Bove, Jr., Delaware; Mr. Eugene Cook, Georgia; Mr. Shiro Kashiwa, Hawaii; Mr. Edwin K. Steers, Indiana; Mr. Jack P. F. Gremlington, Louisiana; Mr. Frank E. Hancock, Maine; Mr. Joe T. Patterson, Mississippi; Mr. Clarence A. H. Meyer, Nebraska; Mr. Rodger D. Foley, Nevada; Mr. T. W. Bruton, North Carolina; Mr. Leslie R. Burgum, North Dakota; Mr. Mark McElroy, Ohio; Mr. Daniel R. McLeod, South Carolina; Mr. George F. McCannless, Tennessee; Mr. Will Wilson, Texas; Mr. Walter L. Budge, Utah; Mr. Thomas B. Debevoise, Vermont; and Mr. John W. Reynolds, Wisconsin.

² The case was tried to the court without a jury. Motions were made by the defendant, both at the conclusion of the Government's case and at the conclusion of the trial, for judgment of acquittal. The court reserved decision on these motions and took the case under advisement.

³ See 2 U.S.C. sec. 194, and note 54, infra. The charge was brought through an information, Mr. Tobin having waived his right to grand jury presentment and prosecution by indictment, and having joined with other high officials of the port authority in stipulating that "upon entry of a final judgment of conviction against defendant Tobin herein, the port authority will produce upon the request of said subcommittee all of the papers demanded in said subpoena duces tecum and held by the court to be pertinent to the matter under inquiry by said subcommittee. In furtherance of the intent of this paragraph, the port authority hereby agrees forthwith to initiate and to pursue all proceedings necessary to effect final ratification of this paragraph."

⁴ Hereinafter referred to as the "subcommittee" or the "committee."

⁵ Hereinafter referred to as the "committee."

⁶ H. Rept. No. 2117, 86th Cong., 2d sess. (Report citing Austin J. Tobin) app. I, p. 33 [hereinafter referred to as "June 29 tr."].

Although two other authority officials were also subpoenaed to produce the same documents, and cited by the House for failing to produce them, only Mr. Tobin's failure has been made the subject of a prosecution under 2 U.S.C. sec. 192.

Pursuant to the subpoena Mr. Tobin did produce authority bylaws, organization manuals, rules and regulations, annual financial reports, and minutes of meetings of its board of commissioners.⁷

However, he did not produce certain internal documents, including financial and management reports, agenda of meetings, staff reports, and other communications relevant to dealings and policies of the authority in the fields of construction, insurance, public relations, real estate, revenue bonds, and rail transportation.⁸ It is his refusal to produce these documents that resulted in this prosecution.

INTRODUCTION

(a) Historical background: Early in this century numerous groups and individuals urged that rapid and efficient handling of commerce flowing through the bistate area surround New York City could be accomplished only by treating the region as a single entity and by creating a bistate agency to promote this end. Thus prompted, the New York and New Jersey Legislatures, in 1921 and 1922, ratified compacts creating the authority and specifying its initial functions.⁹ Congressional approval was given

⁷ He also furnished nonsubpoenaed material and made an apparently unqualified offer to answer on oral examination any questions about the authority.

⁸ As reproduced in the information, the subpoena's call for the documents was divided into four categories. Those in brackets were produced; the others were not:

1. [All bylaws, organization manuals, rules, and regulations;]

2. [Annual financial reports;] internal financial reports, including budgetary analyses, postclosing trial balances, and internal audits; and management and financial reports prepared by outside consultants;

3. All agenda [and minutes] of meetings of the board of commissioners and of its committees; all reports to the commissioners by members of the executive staff;

4. All communications in the files of the port authority and in the files of any of its officers or employees including correspondence, interoffice, and other memoranda and reports relating to:

(a) The negotiation, execution, and performance of construction contracts; negotiation, execution, and performance of insurance contracts, policies, and arrangements; and negotiation, execution, and performance of public relations contracts, policies, and arrangements;

(b) The acquisition, transfer, and leasing of real estate;

(c) The negotiation and issuance of revenue bonds;

(d) The policies of the authority with respect to the development of rail transportation.

A subsequent letter from the subcommittee to Mr. Tobin advised that "production . . . of all documents described in that subpoena dated from Jan. 1, 1946, to June 15, 1960, [would] be full compliance with the subpoena." June 29 tr. 32.

⁹ Additional background may be found in *Commissioner v. Shamburg's Estate* (144 F. 2d 998, 1000-1002 (2d Cir. 1944), cert. denied, 323 U.S. 792 (1945)); *Bush Terminal Co. v. City of New York* (273 N.Y.S. 331, 335-337 (Sup. Ct. 1934)); and the factual material included in the brief filed on behalf of Mr. Tobin, pp. 8-18 (hereinafter referred to as "Br.>").

¹⁰ The 1921 document was the "compact" establishing the authority and delineating its powers and duties; the 1922 document was the "comprehensive plan" for its initial operations. For purposes of this case the

pursuant to article 1, section 10 of the Constitution.¹¹

The authority is headed by commissioners appointed in equal number from each compacting State, and its day-to-day operations are conducted by a staff selected by the commissioners. Mr. Tobin, as executive director, is the highest ranking staff member.

The authority has the right to own and operate terminal and transportation facilities and related property within a delineated port district, and the responsibility of making recommendations to the two States legislatures for improving or adding to existing projects. These recommendations can become effective only through identical legislation in the two States; by a similar process the two States can expand the port district's boundaries.¹² Further, the authority has power to raise funds through sale of bonds to the public,¹³ to appear before various Federal and State bodies on behalf of port commercial operation, and to "intervene in any proceeding affecting the commerce of the port."¹⁴

The compact also allows each State to grant its Governor the right to veto any action taken by its Commissioners. While both Governors have been granted this power,¹⁵ vetoes are rare; discussions between the authority staff and commissioners on the one hand and the Governors and their authority liaison representatives on the other, produce agreement on the kinds of projects the Governors will approve.¹⁶

Though originally established to aid solution of the port area's freight transportation difficulties,¹⁷ the authority subsequently has been granted additional powers to construct and maintain facilities for the conduct of passenger movement by car, rail, boat, bus, and plane. Thus at the time of its 1959 annual report it was operating "21 terminal and transportation facilities; 6 interstate bridges and tunnels; 4 air ter-

two documents are referred to as the "compacts," and the congressional resolutions approving them—42 Stat. 174 and 42 Stat. 822—as the "compact resolution."

For their text see also June 29 tr., 5-13.
¹¹ "No State shall, without the consent of Congress . . . enter into any agreement or compact with another State."

¹² The authority is also required to make annual reports to the two legislatures.

¹³ Power to pledge the credit of either State without its legislature's consent is denied to it; 1921 compact, art. 7.

¹⁴ Id., art. 13.

¹⁵ Each State has exercised this option by empowering its Governor to veto, within 10 days forwarding to him minutes of an authority meeting, any action of his State's commissioners reported therein. Since every authority action must be concurred in by the unvetoes action of a majority of commissioners from each State, the veto power gives each Governor, in effect, the ability to prevent any authority action.

¹⁶ Official verbatim transcript, inquiry into the activities and operations of Port of New York Authority under the interstate compacts approved by Congress in 1921 and 1922, hearings in New York City, Nov. 28, 1960, to Dec. 2, 1960, pp. 520-525 (hereinafter referred to as "November-December tr.").

Additional potential ability for the compacting States to check on authority operation is found in legislation giving the appropriate budgetary official of each State the right to audit authority operations.

¹⁷ See, e.g., the 1922 comprehensive plan and 61 CONGRESSIONAL RECORD 4920-4921 (1921) (remarks of Congressman Anson, which also indicate that at that time, over one-half of the Nation's foreign commerce passed yearly through the port of New York).

minals and a heliport; 6 marine terminal areas; 2 union motor truck terminals; a motor truck terminal for rail freight; and a union bus terminal."¹⁸

The authority's investment in these facilities is nearing \$1 billion and its gross operating revenue exceeds \$100 million annually. Legislation is presently pending in New York and New Jersey which would empower the authority to construct and operate a \$355 million World Trade Center.

In addition, representatives of the authority appear before Congress and other Federal bodies on behalf of the port of New York, and promote the port through five domestic and four foreign offices and other projects and activities.

Although power to control the authority's day-to-day operations is thus placed in the commissioners, the staff and the compacting States, Congress, in approving the compacts, included three principal reservations. First, no "right or jurisdiction of the United States in and over" the area within the port district is impaired.

Second, "no bridges, tunnels, or other structures shall be built across, under, or in any of the waters of the United States, and no change shall be made in the navigable capacity or condition of any such waters, until the plans therefor have been approved by the Chief of Engineers and the Secretary of War."

Third, Congress retained "the right to alter, amend, or repeal" the resolutions of approval to the compacts. In addition, the 1921 compact, as passed by the States, provides that authority rules and regulations are to be "not inconsistent with the Constitution of the United States . . . and subject to the exercise of the power of Congress for the improvement of the conduct of navigation and commerce."¹⁹

Until this investigation, manifestations of Federal interest in the authority had been sporadic and principally directed to specific operations. The Army Corps of Engineers had examined bridge and tunnel construction proposals and investigated, several times, the reasonableness of authority toll charges; the Federal Aviation Agency had exercised continuing control over flights in and out of authority-operated airports; and Congress had granted Federal funds for construction at these airports and had investigated at least one series of plane crashes involving Newark Airport. In addition, in 1952 another subcommittee of the House Judiciary Committee conducted 2 days of hearings on a resolution²⁰ which would have withdrawn congressional consent from the compacts until amendments could be attached to them. These hearings ended in an adverse committee report on the resolution after members had attacked it as "not completely followed through"²¹ and unwise.

The present investigation, and the subpoena here at issue, are thus not part of continuing congressional supervision over the authority. Rather, this is the first time Congress has attempted to gain an overall picture of authority operations, and the first time the subpoena power has been employed in connection with any congressional inquiry regarding the authority.

(b) Chronology of the present investigation: The spark which set off the inquiry was an announcement by the authority in December 1959, that it favored construction

of a jet airport in Morris County, N.J. Because this location is apparently outside the present boundaries of the port district, and for other reasons not here relevant, this announcement caused considerable concern among New Jersey's congressional representation about the authority and its operations. As a result, sometime in February 1960, a delegation purporting to represent the unanimous sentiment of the full New Jersey group requested the chairman of the House Judiciary Committee to initiate a study of the port authority.²²

Following this request, the chairman proposed a joint resolution²³ which would have amended the port authority compact resolutions to (a) require advance congressional approval of any legislation by the two States "amending or supplementing" the compacts; (b) require submission to Congress of all periodic reports made by the authority to the two States; and (c) permit congressional committees to (1) demand disclosure of any information deemed relevant, (2) inspect any books, records, and papers requested, and (3) view any authority facility.

At about the same time, the chairman directed the Judiciary Committee staff "to make a study of the activities and operations of the authority under the 1921 and 1922 compacts, including a review of the scope of the authority's major operations."²⁴ Shortly thereafter, the chairman wrote to Mr. Tobin informing him of the committee's purposes and requesting him to permit committee investigators to inspect certain enumerated files and records located at the authority's New York headquarters.²⁵ The investigators journeyed to New York but, by the authority's own admission, were permitted to see only documents which were matters of public record. They were told that the other requested materials were being withheld pending decision by the authority commissioners "after consultation with either or both of the Governors of New York or New Jersey."²⁶ However, the documents were not produced.

The next significant step in this chronology occurred on June 1, 1960, when the House of Representatives, on the recommendation of its Rules Committee and at the request of the Judiciary Committee chairman and ranking minority member, unanimously resolved to grant the Judiciary Committee subpoena power in connection with matters "involving the activities and operations of interstate compact."²⁷

Thereafter, on June 8, 1960, Subcommittee No. 5 of the Judiciary Committee formally voted an inquiry of the New York Port Authority. On that same day, the subcommittee informed Mr. Tobin and the authority of its decision and stated:

"The purpose of the inquiry is to determine whether pending or other legislation is necessary in respect to the interstate compacts creating the . . . authority. For that reason the subcommittee will inquire into the organization, structure, and activi-

²² CONGRESSIONAL RECORD, vol. 106, pt. 13, p. 17281 (remarks of Congressman Celler); id. 16066 (remarks of Congressman Cahill).

²³ H.J. Res. 615, 86th Cong., 2d sess. (1960). [Government exhibit 6].

The resolution also would have reenacted the present compact resolution provisions reserving to Congress "the right to alter, amend, or repeal" the resolutions.

²⁴ June 29 tr. 2 (remarks of Chairman Celler).

²⁵ Id. 14.

²⁶ Id. 15 (letter from Chairman Celler to Mr. Tobin, reporting his understanding of the conversation at the authority's headquarters.)

²⁷ H. Res. 530, 86th Cong., 2d sess., amending H. Res. 27, 86th Cong. 1st sess., id. 13-14, CONGRESSIONAL RECORD, vol. 106, pt. 9, pp. 11593-11594.

¹⁸ Defendant's exhibit No. 2, p. v.

¹⁹ Art. 18.

²⁰ H.J. Res. 375, 82d Cong., 2d sess. (1952).

²¹ Hearings on H.J. Res. 375 before a special subcommittee of the Judiciary Committee of the House of Representatives, official verbatim transcript, May 14, 21, 1952, pp. 7-8, 10 (remarks of Chairman Celler), 48-49 (remarks of Congressman [now Senator] Keating).

ties of the * * * Authority to ascertain (1) whether or not it has exceeded the scope of its activities as contemplated by Congress in approving the interstate compacts of 1921 and 1922; and (2) the extent to which the authority is carrying out its duties and responsibilities under these interstate compacts."²⁸

The subcommittee indicated it would send two members of its staff to the authority's New York headquarters on June 15, and it requested that the authority make available certain specified documents. These were the documents later called for in the subpoena.

On June 10, Mr. Tobin replied.²⁹ He detailed the material which the authority had already furnished and stated that because the authority was a "State agency" and because the subpoenaed documents related "solely to the internal administration" of the authority, they never could assist in any valid purpose of the committee and were not pertinent to its stated purpose. He added that an investigation of the type proposed would inhibit use by the States of the interstate compact device, and closed with an expression of hope that the June 15 meeting between the authority and committee staffs could result in agreement as to any future production of documents.

On June 13, the chairman answered that the subcommittee had considered carefully and rejected these objections, and he directed that the demanded documents be furnished as requested on the 15th.³⁰ At the conclusion of the meeting on the 15th, which was devoted principally to a restatement of the previously developed positions, Mr. Tobin was served with the subpoena requiring him to produce the enumerated documents when the committee met in Washington on June 29.

Several days later, the Governors of the two States wired the chairman expressing concern over what they asserted to be grave questions of constitutional principle involved in the investigation, and requesting postponement of the return date until they could meet with the committee. This request was rejected on assurance that all objections had been considered and that representatives of the authority would be given further chance to raise them on June 29. On receipt of this rejection, the Governors sent identical letters³¹ to their representatives on the board of commissioners "instruct[ing]" them to "direct" Mr. Tobin not to comply with the subpoena. The Governors indicated that their "only purpose [for ordering noncompliance] is to insure that these basic questions of constitutional propriety and legality will be fully considered and determined by the appropriate tribunal."

On June 27 the port authority board of commissioners, at a specially called meeting, "directed" Mr. Tobin to comply with the Governors' instructions as set forth in the two letters.³²

Finally, on June 29, the subcommittee met to receive the return of the subpoena.

Following preliminary statements by the chairman and committee counsel, Mr. Tobin was ordered to produce the subpoenaed documents. He did not comply, relying on all the reasons he had theretofore given, including the Governors' letter, the lack of pertinency of the documents, and the general immunity of "State agency" documents from congressional demand. The chairman then ruled Mr. Tobin in default.³³

The hearing concluded with statements by the attorneys general of the two States and the authority general counsel. Subsequently

the subcommittee voted to report to the full Judiciary Committee a resolution citing Mr. Tobin for contempt; the full committee voted to report the alleged contempt to the House of Representatives; and, after efforts failed to arrange a meeting between the two Governors and the subcommittee, the House voted to cite Mr. Tobin for criminal prosecution.³⁴

Thereafter, in the week of November 28, 1960, the subcommittee, over the authority's objection, held hearings in New York City in pursuance of the investigation. Although resolution of the factual issues posed by this case depends principally on the events of June 29 and the months preceding, the transcript of these later hearings³⁵ was received in evidence for any light which they might shed on disputed questions raised by the earlier events.

To this prosecution Mr. Tobin has raised numerous defenses. They fall, in the Court's view, into five categories:

1. The subcommittee was not authorized to conduct an investigation in which it could call for the documents here at issue.

2. The subject matter of the inquiry and the pertinency of the documents was not sufficiently established or made clear to him.³⁶

3. The committee had no proper legislative purpose in conducting the inquiry.

4. The documents called for were privileged and immune from congressional demand.

5. He cannot be found guilty of contempt of Congress because his action was compelled by orders from his "superiors," the two Governors.

For reasons which the court will now state, each of these defenses is rejected, and the court finds Mr. Tobin guilty of the offense charged.³⁷

I. The subcommittee's authorization

A congressional committee cannot legally exercise the investigative power of its parent body unless it is the recipient of that power through proper delegation.³⁸ Thus it is a requirement in a contempt of Congress prosecution that the committee's authorization be

²⁸ CONGRESSIONAL RECORD, vol. 106, pt. 13, pp. 17278-17313.

²⁹ See note 14, supra.

³⁰ The defense of "excessive breadth" of the subpoena, which was argued at trial as though a separate issue, is subsumed in the Court's present analysis as an ingredient of the pertinency defense.

³¹ Mr. Tobin also contended that the documents demanded by the subpoena were not identified with sufficient particularity and that his acquittal was mandated unless the Court held the subcommittee "entitled to each and every document withheld." The former defense was not open to him because he did not raise it, as required, before the committee, see *infra* note 94, and the latter defense is not reached in this case in view of the Court's finding that the Government has proved, for the reasons stated *infra* note 60, that all demanded documents were pertinent to the committee's stated subject.

³² *United States v. Rumely* (345 U.S. 41 (1953)); *Watkins v. United States* (354 U.S. 178, 200-201 (1957)); *Brewster v. United States* (103 U.S. App. D.C. 147, 149, 255 F.2d 899, 901 (1958)).

For reasons of "simple procedural efficiency" and with consideration for the separation of powers principle, however, courts will not entertain contentions that a committee is acting illegally until the parent house in question has attempted, through citation for contempt, to impose sanctions upon an individual for refusal to comply with a committee's order to answer questions or supply subpoenaed material. *Pauling v. Eastland*, — U.S. App. D.C. —, 288 F.2d 126 (1960).

proven to conduct the investigation or issue the subpoena in question.³⁹

Because it is important that the interests of groups and individuals outside Congress not be subjected to unauthorized committee actions, courts in contempt prosecutions have, in effect, imposed a requirement for clearly stated authorization by construing vague or ambiguous authorizations narrowly.⁴⁰

This judicial requirement for unquestioned authorization also has as its purpose in some cases the avoidance of unnecessary constitutional adjudication; for by construing a vague resolution narrowly, courts avoid the risk of passing on the constitutionality of committee action which Congress may never have intended to authorize. In this way they refrain from making far-reaching constitutional pronouncements that "would affect not an evanescent policy of Congress, but its power to inform itself, which underlies its policy-making function."⁴¹ Such avoidance also gives Congress the opportunity to consider with "full awareness of what is at stake" what responsibilities it will delegate to a committee, and has the additional effect of preventing unnecessary disharmony between the legislative and judicial branches.⁴² On the other hand, if Congress has given clear authorization for committee action, it must be presumed willing that the action be submitted to any legal challenge that may ensue.

At the outset, the Court notes that the Reorganization Act of 1946, which distributes functions among congressional committees, assigns to the Judiciary Committee jurisdiction over "interstate compacts generally."⁴³ While it is true that the other committees of the House have been given jurisdiction over certain specific compacts, exclusive jurisdiction over the port authority compacts has traditionally been in the Judiciary Committee.⁴⁵

Therefore, the question posed here is whether, having this jurisdiction, this committee was authorized to conduct an investigation into the substantive operations of the authority of depth sufficient to permit requests for documents of the type called for by this subpoena. The answer to this question is to be found in an examination of the resolution, passed by the House on June 1, 1960, granting to the committee authorization "to conduct full and complete investigations and studies relating to * * * the activities and operations of interstate compacts," using the subpoena power, if necessary.⁴⁶

H. Res. 27 granted to the Judiciary Committee the power "to conduct full and complete investigations and studies," using the

³⁹ *Barenblatt v. United States* (360 U.S. 109, 116-123 (1959)).

⁴⁰ *Watkins v. United States*, *supra*, at 198-206. *United States v. Peck* (154 F. Supp. 603, 606-611 (D.D.C.) (1957)).

⁴¹ *United States v. Rumely*, *supra*, at 46.

⁴² *Id.* See generally, Bickel and Wellington, "Legislative Purpose and the Judicial Process: The Lincoln Mills Case," 71 Harv. L. Rev. 1, 27-35, 38-39 (1957).

⁴³ Bickel and Wellington, *supra*, at 34-35.

⁴⁴ 60 Stat. 827, rule XI, sec. (1) (L) 18 of the Standing Rules of the House of Representatives.

⁴⁵ It was the House committee which considered and recommended passage of the 1921 and 1922 compacts, and which considered the resolution, *supra* note 19, which would have withdrawn congressional consent from the compacts until they could be further amended.

⁴⁶ *Supra* note 26. When the Court refers to the "June 1 resolution," it intends to include as well reference to the basic resolution that was amended on that date, H. Res. 27, 86th Cong., 1st sess.

²⁸ June 29 tr. 15-16.

²⁹ *Id.* 16-19.

³⁰ *Id.* 20.

³¹ *Id.* 39-40.

³² Defendant's exhibit 5.

³³ June 29 tr. 54-55.

subpena power where necessary, relating to several of the areas assigned to the jurisdiction of the committee by the Reorganization Act of 1946. H. Res. 530, the resolution actually passed on June 1, added the area of "the activities and operations of interstate compacts."

Congress' authorization to the full Judiciary Committee here discussed was also its authorization to Subcommittee No. 5; for it was stipulated at trial that whatever power the full committee received, it properly delegated to the subcommittee.

Defendant contends that this resolution should be read to permit inquiry only into "those aspects of an interstate compact agency which are peculiar to its interstate compact status."⁴⁷

The court assumes, arguendo, that so read, the resolution would not authorize the committee to probe as deeply as it did, and the constitutional issue of whether Congress has power to secure "internal documents" of a compact agency would be avoided.

However, it is clear to the court from the language, context, and floor discussion preceding passage of the June 1 resolution that it authorized an investigation of much greater depth than defendant argues. First, the resolution itself is unqualified; it speaks of "full and complete investigations and studies relating to . . . the activities and operations of interstate compacts."

Second, the resolution was introduced by the chairman of the Judiciary Committee on May 17, 1960,⁴⁸ shortly after the committee had failed in its efforts to obtain non-public authority documents through informal means.⁴⁹

Third, during the short floor discussion on June 1, several significant statements were made. Congressman Brown, of the Rules Committee, which had recommended passage of the resolution, stated:

"I have been assured by both the ranking member of the [Judiciary] Committee on our [Republican] side and by the chairman . . . that the committee does not expect to use or abuse this power through a great many investigations but, instead, go look into one particular State's compact [sic] where, under present laws and under the compact, there is no control or knowledge of just how a great many public funds are being expended. . . . [T]he Committee on Rules has had explained to it the need for this investigation and the good that can come from it."⁵⁰

Later in the debate the chairman of the Rules Committee stated that the Judiciary Committee was "given blanket authority to investigate"⁵¹ in connection with those interstate compacts coming within its jurisdiction.⁵² At no point in the history of the

resolution was any limitation on this "blanket authority" suggested.

The authority contends, however, that Congress could not have intended to authorize the Judiciary Committee to inquire into areas of authority activity that affect Federal interests normally within the legislative purview of other House committees.

This argument is not persuasive. There is no doubt that the diverse and extensive operations of the authority cut across a great many areas of Federal concern. Precisely because this is so, it is not unreasonable to assume that both for purposes of internal efficiency and to prevent undue burdens on the authority, Congress might focus its visitatorial powers with respect to the authority in a single committee.⁵³

The court finds, therefore, that it was the clear import of the June 1 resolution that the Judiciary Committee be authorized to conduct an investigation that could encompass a request for the subpoenaed documents here at issue.⁵⁴

II. Subject matter of the inquiry and pertinency of the documents

The Court assumes, arguendo, that the contempt-of-Congress statute imposes a requirement that before a person who stands in default may be convicted, the Government must establish that a request for documents, no less than questions propounded at a hearing, be pertinent to the subject matter under investigation.⁵⁵ The Supreme Court has made it clear, in addition, that when a person is called by a legislative committee to give information, he must be given a clear explanation of the subject matter under inquiry and the pertinency of the request for information to that subject.⁵⁶ Since a witness "must decide at the time the questions are propounded whether or not to answer,"⁵⁷ fundamental fairness requires that he be given information upon which to make this decision that is as explicit and clear as "the due-process clause requires in the expression of any element of a criminal offense."⁵⁸

(a) The explanation of subject matter: The Court finds that the opening statement of the chairman at the June 29 hearing on the return of the subpoena made indisputably clear the subject matter of the investiga-

assigns to the Committee on Public Lands. See CONGRESSIONAL RECORD, vol. 106, pt. 9, p. 11594.

⁴⁷ Cf. *United States v. O'Connor* (135 F. Supp. 590, 595 (D.D.C. 1955)), rev'd on other grounds, 99 U.S. App. D.C. 373, 240 F. 2d 404 (1956); 92 CONGRESSIONAL RECORD 10043 (remarks of Congressman Wadsworth, one of the leading proponents of the Reorganization Act of 1946).

⁴⁸ Cf. *Hopkins Federal Savings & Loan Assn. v. Cleary* (296 U.S. 315, 334-35 (1935)).

⁴⁹ The statute, in its express terms, provides only that one summoned to produce papers or give testimony who does not appear at all, and one summoned who appears, but "refuses to answer any question pertinent to the question under inquiry" shall be guilty of a misdemeanor—appearing to make no special provision for one who is summoned to produce papers and appears, but does not produce them. The Government having stated on oral argument that the requirement of pertinence probably applies to this latter situation, and that it would satisfy the burden of proving pertinence as though the requirements existed, without conceding as a general proposition that it does [trial transcript pp. 17-18 (hereinafter referred to as "tr.")] the Court has assumed arguendo that it does.

⁵⁰ *Watkins v. United States*, supra, note 37, at 208-215.

⁵¹ Id. at 208.

⁵² Id. at 209, 214-215.

tion. That statement said in its most relevant part:

"The port authority's operations affect the economic lives of millions of Americans living outside as well as inside the port development area and the States of New York and New Jersey. They intimately affect the operation of Federal agencies responsible, among other things, for the national defense, navigable waterways, and air, rail, and highway traffic. In short, they profoundly affect Federal interests of many and various kinds."

"Nevertheless . . . neither the Judiciary Committee, to which is assigned responsibility for interstate compacts of this character, nor any other congressional committee, has ever conducted a general investigation of the Port of New York Authority to determine its conformance or nonconformance to the limits of its authority or the extent or adequacy of its performance of its responsibilities in the public interest."

"What is more, in recent months, complaints varying widely in character and gravity concerning the operations of the port authority under the compacts have come to the attention of the subcommittee."

" . . . [T]he staff of the House Judiciary Committee was directed last March to make a study of the activities and operations of the authority under the 1921 and 1922 compacts, including a review of the scope of the authority's major operations. . . ."

"Notwithstanding [a request for certain files], the port authority failed for the most part to make available the documents requested. Rather, it limited itself to supplying documents virtually all of which were already matters of public record."

"Against this background, the subcommittee voted on June 8, 1960, to begin a full inquiry into the activities and operations of the Port of New York Authority under the 1921 and 1922 compacts. . . ."

"Congress has responsibilities both under the compact clause of the Constitution and under the resolutions, with reservations thereto, by which it approved the compacts, the port authority, and the comprehensive plan."

"Congress also has responsibilities in many areas affected by the operations of the authority, such as, interstate commerce, the national defense, navigable waters, air, rail, and highway transportation, and the operation of Federal agencies, including independent agencies. . . ."

"It remains for the Chair to indicate the purpose and scope of the investigation in aid of which the subject subpoenas were issued. The purpose of the investigation is to ascertain conformance or nonconformance of the Port of New York Authority with the congressionally imposed limitations on its powers and the extent and adequacy with which the authority is carrying out its duties and responsibilities under the congressionally approved compacts in order to determine whether Congress should legislate 'to alter, amend, or repeal,' its resolutions of approval."

"The need to reevaluate congressional consent to the 1921 and 1922 compacts arises in part from complaints which have come to the attention of the subcommittee concerning various of the port authority's activities and operations. To give a few examples, it has been alleged that the policy of the port authority in combining revenues for financing purposes from all its facilities, rather than reducing tolls on each facility as it is amortized, placed an undue burden on the channels of interstate commerce and is contrary to national transportation policy—indeed, contrary to the publicly announced policy of the Bureau of Public Roads."

"It has been alleged that certain activities of the port authority unjustifiably discriminate against certain types of interstate carriers. It has been alleged that the port authority has extended its operations be-

⁴⁷ Br. 95.

⁴⁸ CONGRESSIONAL RECORD, vol. 106, pt. 9, p. 10483.

⁴⁹ These informal efforts were part of the preliminary committee study, by the staff of the full committee, referred to in the introduction. Since the Court is here concerned only with the authorization for the investigation voted by Subcommittee No. 5 on June 8, 1960, it need not and does not decide whether this preliminary, informal study was authorized under the committee's general jurisdiction over the port authority compacts.

⁵⁰ CONGRESSIONAL RECORD, vol. 106, pt. 9, p. 11593.

⁵¹ Id. 11594.

⁵² I.e., it did not entitle the committee to investigate "interstate oil compacts," which rule XI, sec. (1) (K) 6, assigns to the jurisdiction of the Committee on Interstate and Foreign Commerce, or "interstate compacts relating to apportionment of waters for irrigation purposes," which rule XI, sec. (1) (n) 9,

yond the geographic limits contemplated by the Congress. It has been alleged that in the letting of certain service and construction contracts, the port authority has not permitted competition and has failed to grant the award to the lowest qualified bidder.

"It has also been asserted that the overall operations of the port authority have at no time been subjected to a comprehensive independent audit by any governmental agency.

"The subcommittee in its inquiry will study these and other matters to determine whether legislation is warranted with respect to congressional consent to the port authority compacts in order more adequately to protect and preserve the manifold Federal interests involved. The subcommittee deems access to the documents sought in the subpoenas necessary to the effectuation of the investigation."

Although isolated portions of this statement might, if taken out of context and subjected to close analysis in the comparative calm of a lawyer's office, suggest a somewhat narrower subject matter or yield ambiguities, the statement must be considered in its entirety as it was made to the defendant at the hearing. So read, its clear import is, in summary, that the subject under inquiry was twofold: (1) Whether the authority was operating functionally and geographically as envisioned by Congress when it approved the 1921 and 1922 compacts; and (2) whether it was carrying out the tasks given it pursuant to the compacts in a manner that showed sufficient concern for Federal interests. The ultimate purpose of the investigation was to determine whether legislation to alter, amend, or repeal the congressional resolutions of consent to the compacts might be desirable in order to protect the Federal interests involved.

(b) Pertinency: On the trial of a contempt of Congress case, the Government must prove⁶⁰ as a matter of law and beyond a reasonable doubt, that the request for documents was pertinent to the subject matter under investigation.⁶¹ The Government must also prove beyond a reasonable doubt⁶² that the explanation of pertinency made to the witness at the hearing⁶³ was sufficiently clear

to enable him to determine for himself whether the proper nexus existed between the request and the subject matter.⁶⁴

The Court recognizes that in some cases there may be a fine line between the question of the sufficiency of a committee's explanation of pertinency and the question of actual pertinency in law; but in this case they may be treated as a single question. The Court finds that the Government has proved beyond a reasonable doubt that the explanation was sufficient, and the same analysis justifies a finding that the Government has proved beyond a reasonable doubt that there was legal pertinency.

Mr. Tobin's principal complaint regarding the explanation of pertinency is that it did not spell out in detail the "Federal interest" which the authority's operations may be adversely affecting, and the way in which the subpoenaed documents might reveal this fact.

The Court has already noted that the activities of the port authority obviously touch upon many areas of Federal concern. For example, the importance of these activities to the interstate and foreign commerce of the United States is so clear that in any discussion of the authority it may be taken for granted.⁶⁵

The real question, then, is with what specificity the committee was required to identify the particular elements of those broad areas of Federal concern, and with what detail it was required to link the requested documents with these elements. In answering this question it is important to remember the nature of the committee's inquiry: although stimulated by specific complaints, it was to a degree exploratory; for in the 40 years of the authority's existence, Congress had never undertaken to inform itself fully as to the interrelation between authority operations and the areas of responsibility committed to Congress by the Constitution. Because the stated subject matter of the inquiry was to determine whether and to what extent Federal interests were being affected, the committee performed its task of explaining pertinency by relating the subpoenaed documents to this subject. To say that it was required to delineate with ultimate precision the particular elements of Federal interests which the inquiry might reveal to be adversely affected would be to require the committee, in effect, to have stated its subject in the narrow terms of the conclusions it might later reach. This was obviously impossible.

Taking into account these factors, the Court finds that the Government has proved beyond a reasonable doubt that the committee's explanation of pertinency, which is set out as appendix A hereto, clearly related the request for documents to the broad subject of inquiry. For example, the request for audits and financial statements was related to the questions whether any discriminations within or burdens upon interstate commerce resulted from authority financial policies and whether the authority was complying with the supervisory requirements imposed by various Federal agencies; the request for agenda and minutes of board meetings was related to the question whether policy formation within the authority was consistent with congressionally approved objectives; the request for communications concerning public relations contracts was related to reported efforts by the authority to influence legislation and

governmental decisions relating to matters of national concern.⁶⁶

The Court does not believe it necessary to elaborate this conclusion by discussion of the committee's explanation in terms of each category of nonproduced documents, but for purposes of illustration, examination of one category in this fashion will suffice.

The subpoena required, *inter alia*, that Mr. Tobin produce "all communications * * * relating to (a) the negotiation, execution, and performance of construction contracts * * *." ⁶⁷ The explanation given by the committee was:

"Construction contracts are important to the subcommittee because most construction undertaken by the authority is for facilities used in, or in the aid of, interstate commerce or national defense. The subcommittee desires to ascertain whether this construction satisfies Federal requirements, policies, and responsibilities and whether other construction work by the authority affects or interferes with any Federal projects or construction policy.

"Further, if in the negotiation or letting of * * * construction contracts clothed with Federal interests, practices are followed that prevent full competition or otherwise conflict with national policies, again, legislation modifying consent in these regards may become important."

It cannot be a serious complaint that the explanation spoke of "contracts" while the subpoena called for production of "communications" relating to their negotiation, execution, and performance. The words "construction contracts" should have been understood to refer not merely to the printed instruments alone, but to the complex of relations between the authority and its contractors. Only with information as to how contracts came to be executed and how they were being performed could the committee make a rational judgment as to their effect on Federal interests. The explanation clearly relates the request to the subjects under inquiry: most authority construction projects involve facilities, such as airports, bridges, and tunnels, that have an important relationship to interstate commerce and national defense. As the explanation indicated, the committee also desired to know whether other authority projects interfered with the construction of facilities that were matters of Federal concern. Although reference was made in general terms to "Federal requirements, policies and responsibilities," the Court does not think the committee, in explaining pertinency, was required to catalog them in detail. For example, the Federal Government's ultimate responsibility for the adequacy of authority facilities vital to the national defense is clear, and an elaboration of complex policies and

⁶⁰ It may be that the authority did not have any "public relations contracts," but this fact would not vitiate the explanation of pertinency. "[T]he question is: was the question and the possible answer pertinent at that time to the [committee's] inquiry?" *United States v. Orman*, *supra*, at 154. It may also be true that not all public relations "policies and arrangements" related to the subject matter mentioned in the explanation, but the explanation demonstrated that such documents were "principally pertinent." See note 60 *supra*. No objection was made at the hearing to the possible irrelevancy of some of this material. These and the other principles set out in note 60 *supra*, and applied here, are equally applicable to the other alleged deficiencies in the explanation.

⁶⁷ See request (4) (a) of the subpoena, *supra*, note 7.

⁶⁸ June 29 tr. 50.

⁶⁰ June 29 tr. 2-5.

⁶¹ *Bowers v. United States* (92 U.S. App. D.C. 79, 85, 202 F. 2d 447, 453 (1953)). Accord, *Deutsch v. United States* (No. 233, Supreme Court, June 12, 1961, pp. 13-15).

⁶² *Braden v. United States* (365 U.S. 431, 435-437 (1961)). The Government need not prove that every document requested would, if produced, have been material to the committee's inquiry. It need only show that the request was such that it might reasonably have been expected to elicit information which, under all the circumstances, could have been material. *United States v. Orman* (207 F. 2d 148, 156 (3d Cir. 1953)). And under the contempt of Congress statute it is the request which must be pertinent, *Id.*, at 154, 156, and "[i]f it is principally pertinent, it need not exclude every possible irrelevancy, at least until there is objection by the witnesses." *United States v. Kamin* (136 F. Supp. 791, 799-800 (D. Mass. 1956, Aldrich, J.)). See also *United States v. Kamin* (135 F. Supp. 382, 289 (D. Mass. 1955.)) In this case Mr. Tobin did not, either before or after the committee's explanation, make the kind of particularized objection to the pertinency of specific documents that would have called for a negation of possible irrelevancies.

⁶³ *Knowles v. United States* (108 U.S. App. D.C. 148, 151, 280 F. 2d 696, 699 (1960)).

⁶⁴ This assumes that a proper objection was made on the grounds of pertinency. *Barenblatt v. United States*, *supra*, at 123-125.

⁶⁵ *Watkins v. United States*, *supra* notes 55-57.

⁶⁶ Indeed, by its contention that other House committees would have jurisdiction over some of the matters which were the subject of this inquiry, the authority has, in effect, conceded this point.

requirements relating to defense facilities could not reasonably have been expected in these hearings.

Finally, the pertinency of contract negotiations to Federal antitrust policy was made evident in the second paragraph quoted above. The national economy and national policies regarding competition in the field of public contracts are, without doubt, influenced as greatly by actions of a large public contracting purchaser like the authority, as by private contracting sellers like General Electric and Westinghouse whose internal operations have also been scrutinized by congressional committees in connection with effectiveness of the antitrust laws.

III. The committee's legislative purpose and Congress' power to alter, amend, or repeal

The stated purpose of the committee's investigation was "to determine whether Congress should legislate to alter, amend, or repeal its resolutions of approval." Defendant concedes that by virtue of the reservations in the consent resolutions Congress does have power to alter, amend, or repeal in order to protect "existing Federal interests." Since the context of the committee's statement of purpose makes clear that any exercise of the power would be to preserve the integrity of Congress' approval of the compact or to protect Federal interests that might be adversely affected by authority operations, the question presented here is whether an inquiry of the scope announced can be justified as preliminary to a valid exercise of that power for this purpose.

An examination of the legislative history of the reservations, as well as interpretations of the compact clause itself, suggests the lengths to which Congress may go in exercising its power.

Floor discussion of the 1921 compact resolution in the House of Representatives included assent by Congressman Ansorge, the resolution's sponsor, to an assertion that "the port of New York is an asset of the entire Nation . . . [and] as the trustees of that asset, the people of New York and New Jersey owe it to themselves and to the country to properly develop it."⁶⁹

He also stated that "the joint resolution before the House fully protects the Federal Government by the [Federal jurisdiction reservation]"⁷⁰

This reservation was suggested by Treasury Secretary Andrew Mellon.⁷¹

In 1922 the same legislator, also sponsor of the second compact resolution, assured the House that the cities, States, and Nation are fully protected,⁷² and noted:

"The cost of doing business at the port of New York is reflected throughout the entire country. The port of New York is not a local matter. It is distinctly national in scope and function."⁷³

These statements indicate that the reservations were not included in the compacts as an automatic, purposeless gesture; rather they reflect congressional and executive awareness of the port of New York's unique status in the Nation's commercial life, and appreciation that a compact providing for comprehensive development of the port was charged with Federal interests.

A further recognition of these facts appears in contemporaneous statements made by Julius Henry Cohen, the authority's first

counsel.⁷⁴ Their thrust is that since the comprehensive plan is "a regulation of interstate commerce . . . the port authority [is] the instrumentality in that sense of the Federal Government for the purpose of effectuating the . . . plan."⁷⁵

The authoritative commentary on the compact clause, Frankfurter and Landis, "The compact clause of the Constitution—a 'Study in Interstate Adjustments,'"⁷⁶ indicates that the clause was the blend of several objectives. Principally, it was intended to provide a nonlitigious method for settlement of boundary disputes between States. It also provided authorization for other interstate "political adjustment,"⁷⁷ retaining to Congress the power to determine whether "the national, and not merely a regional, interest may be involved," and to "exercise national supervision through its power to grant or withhold consent, or to grant it under appropriate conditions." As the authors summarized:

"The framers thus astutely created a mechanism of legal control over affairs that are projected beyond State lines and yet may not call for, nor be capable of, national treatment. They allowed interstate adjustments, but duly safeguarded the national interest."⁷⁸

The cases which have interpreted the compact clause have confirmed these statements, and established that Congress has a twofold duty: first, to prevent undue injury to the interests of noncompact States;⁷⁹ second, to guard against interference with the "rightful management" by the National Government of the substantive matters placed by the Constitution under its control.⁸⁰ Where the subject of an agreement between States is "of merely local concern," Congress has no responsibility under the clause;⁸¹ but as the Supreme Court emphasized as recently as 1959, the duty of Congress to protect substantive Federal interests such as interstate commerce and national defense in its actions under the compact clause is a clear one.⁸²

In view of the frank recognition that the port of New York is a "national asset" and that Congress has responsibility under the compact clause to "exercise national supervision" over compacts, it is clear to the Court that the power of Congress to legislate pursuant to the reservations must be coextensive with any threat to national interests caused by activities of the authority. It is not necessary and would be improper to speculate as to the type of legislation that might emerge from an inquiry such as this,⁸³

⁶⁹ Mr. Cohen had been one of the important moving figures in the negotiations leading to the authority's creation.

⁷⁰ June 29 tr. 73 (brief in support of this investigation prepared by the committee, quoting this and other statements).

⁷¹ 34 Yale L.J. 685 (1925).

⁷² Id. at 729.

⁷³ Id. at 695.

⁷⁴ See, e.g., *Rhode Island v. Massachusetts*, 12 Pet. 657, 724-26 (1838).

⁷⁵ See, e.g., *Wharton v. Wise*, 153 U.S. 155, 169-70 (1894).

⁷⁶ *Petty v. Tennessee-Missouri Bridge Commission*, 359 U.S. 275, 289 (Frankfurter, J. dissenting); *Virginia v. Tennessee*, 148 U.S. 503, 518 (1893).

⁷⁷ *Petty-Tennessee-Missouri Bridge Commission*, supra note 81 at 282 n. 7, 288-89 (dissenting opinion).

⁷⁸ To so speculate as to the type of possible legislation and also to rule on its constitutionality without knowledge of its language and legislative history and the context in which court challenge to it would arise, would be, in effect, to render an advisory opinion, an exercise forbidden to the courts by the constitutional requirement that they decide cases and controversies.

but the potential threats that might justify legislation have been suggested by the record before the Court. Improvident or excessive expenditures for the construction, operation, or administration of facilities might result in tolls and charges that burden the flow of interstate commerce. Decisions relating to a particular mode of transportation may be taken without proper consideration of their impact upon national transportation policy. Planning and construction of facilities may be carried out without sufficient concern for the requirements of national defense. The Court does not intend to imply that these threats actually would appear; it is sufficient, from the nature of the authority and its operations and the type of complaints received by the committee, that such threats might be uncovered.

There is no question that the inquiry proposed by the committee was broad in its scope, but the Court holds it was justified as groundwork for valid congressional action in view of the substantial national interests which could have been found to be adversely affected by the authority's operations.

The defendant raises several arguments in support of his contention that the committee had no valid legislative purpose.

First, he says that since any legislation must necessarily relate only to the port of New York, the "port preference" clause of the Constitution would be violated. That clause provides:

"No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another"⁸⁴

There are several answers to this argument. The port preference clause has been given a narrow construction by the Supreme Court, and measures that benefit one port while only incidentally causing disadvantage to others have been said not to violate the clause.⁸⁵

In addition, it seems evident that the clause must be read to allow reasonable classifications among ports.⁸⁶ It cannot be supposed that there would be no rational justification for legislation relating solely to the Nation's largest port. It is entirely possible, moreover, that legislation might result from the inquiry relating to the authority as an operational agency rather than as a port—a requirement for periodic reports or audits, for example—and it seems clear that such action would not be an unconstitutional preference among ports.⁸⁷ Any significant objection on this ground must await specific legislation by Congress.

A second argument put forth by defendant is that there was no valid legislative purpose because the inquiry looked to legislation that would regulate the "internal administration" of the two States and the authority in violation of the 10th amendment. There is no claim made that the

⁸⁴ Art. I, sec. 9, clause 6.

⁸⁵ *Louisiana Public Service Commission v. Texas & New Orleans Railroad Co.*, 284 U.S. 125, 131-132 (1931).

⁸⁶ Cf. *Morey v. Doud*, 354 U.S. 457, 465-469 (1957) (applying the equal protection clause of the 14th amendment). The principles applied in this case and those it cites also refute at this stage the contention that this investigation represents invidious discrimination against the States of New Jersey and New York. Cf. *New York v. United States*, 326 U.S. 572, 575-576 (1946).

⁸⁷ The Court also notes that while the port preference clause speaks of preferences given by regulation of commerce or revenue, the legislation that would emanate from this inquiry would be an alteration, amendment, or repeal of the consent resolution. Such action would be taken pursuant to the reservations in the original resolutions, and not an enumerated power of Congress.

⁶⁹ Br. 87-88.

⁷⁰ 61 CONGRESSIONAL RECORD 4920.

⁷¹ Id. 4921. See also id. 8589-90 (remarks of Congressman Appleby).

⁷² S. Rept. No. 161, 67th Cong., 1st sess., 1 (1921).

⁷³ 62 CONGRESSIONAL RECORD 7975.

⁷⁴ Id. 7976. See also id. 13750-52 (remarks of Congressman Chandler).

reservation of power to alter, amend, or repeal the consent was itself unconstitutional, and it is evident to the Court that the reservation was a proper exercise of congressional power under the compact clause. Further, the Court has held above that valid legislation pursuant to the reservation could emerge from the inquiry. In view of this there is no real substance to the 10th amendment argument. As the Supreme Court said this term,⁸⁰ quoting from James Madison:

"Interference with the power of the States was no constitutional criterion of the power of Congress. If the power was not given, Congress could not exercise it; if given, they might exercise it, although it should interfere with the laws, or even the constitutions of the States."

Since the power here was "given," the contention that its exercise would unconstitutionally interfere with "internal administration" fails. The Court need not determine the scope of the power, for "the possibility that invalid as well as valid legislation might ensue from an inquiry does not limit the power of inquiry; invalid legislation might ensue from any inquiry."⁸⁰

Finally, the defendant argues that the committee's stated purpose was not in fact its purpose, and that the true ends of the inquiry were not proper ones for a legislative committee. The real purposes, he alleges, were, in summary, exposure for exposure's sake, "punishment" of the authority and its officials, and assumption of supervisory powers over the day-to-day operations of the authority.

The task of determining whether a committee was acting in pursuance of a proper legislative purpose is, in effect, a determination of whether it was acting constitutionally, and it is not a task lightly undertaken by the courts. It cannot be a search for motives of individual legislators; "[t]heir motives alone would not vitiate an investigation which had been instituted by a House of Congress if that assembly's legislative purpose is being served."⁸¹ Only when it cannot be established that "the primary purposes of the inquiry were in aid of legislative processes" can a court conclude that the inquiry was improper.⁸²

The Court finds on the record before it that the committee's true purposes were those stated. The propriety of these purposes was substantial; this was not a case where a committee's announced aims were themselves questionable or open to serious attack. The inquiry itself was, in effect, voted by the full House, and the subpoena was in fact voted by the full committee.⁸³

In view of this, a holding that the purpose of the inquiry was invalid because of the motives of individual legislators would be to impute such motives to the entire House.

That the inquiry was sparked by the authority's announcement that it favored construction of a jet airport in Morris County, N.J., is not sufficient to establish that the committee's purpose was to prevent the airport's construction. Dramatic incidents frequently stimulate far-ranging inquiries when it appears they may be symptoms of deeply rooted problems. Neither does the fact that the subpoena requested documents closely related to the authority's day-by-day operations require a conclusion that the committee's purpose was to regulate these

operations. To require information about the authority is not to regulate the authority,⁸⁴ and as the Court pointed out earlier, these documents were relevant to valid broader purposes.

IV. Privileges and immunities attaching to the requested documents

The Court must consider now whether, since Congress has the power to legislate regarding the compact resolutions, and since it would be aided in this task by studying the subpoenaed documents, it also has the power to order their production.

The authority contends that the right to demand the documents does not automatically follow from the existence of an area of legislative competence to which they have relevance. Where, as here, the documents are closely related to the operations of a non-Federal agency which is principally the creation of two sovereign States, the doctrine of "executive privilege" reinforced by considerations of comity basic to the successful operation of our Federal system, it is argued, bars Congress from access.

The documents sought to be immunized may be divided into three categories: (a) Communications to and from the Governors and their staffs; (b) those prepared and circulated solely among the authority staff and commissioners; and (c) confidential reports to the authority by outsiders.

At the outset the matter of the Governors' communications must be considered. Although they relate to the operations of the Authority, these documents are directly involved in the functioning of the office of the chief executive of a sovereign body in our dual form of government. Thus it is arguable that they occupy a uniquely privileged status. However, the court need not here decide whether Congress has the power to require the production of these documents, since the defense of special gubernatorial privilege was never properly raised before the committee. At no time during the course of the inquiry—or, indeed, during the contempt proceeding in the House—was Congress apprised that the committee's subpoena called for documents of this unique character.

Had Mr. Tobin so indicated to the committee, with anything approaching the particularity he has achieved in his presentation to this court, the committee might then have determined, upon deliberation, whether to test its power in this area or to seek some mutually satisfactory resolution of the problem.⁸⁵

Having failed to give the committee the opportunity to deal with the issue, Mr. Tobin may not properly assert it here; and the court would be stretching the limits of its discretion to rule upon an issue neither properly raised nor necessary to decision

which is of such potentially great constitutional and political importance.

As to the other materials the Authority contends, first, that the documents in each of these categories are absolutely privileged from demand by Congress. In the alternative, it maintains that if the proper test is to balance Congress need for them against injuries to this compact and to the Federal system that might ensue from disclosure, the balance is in favor of nondisclosure.

Preliminarily, the Court notes that it has been unable to find any clear authority relating to the right of Federal agencies and departments to withhold documents from congressional scrutiny on the grounds of executive privilege.⁸⁶ Moreover, while the Supreme Court has upheld the power of a congressionally created commission to secure State voting records,⁸⁷ the scope of the doctrine of executive privilege as claimed by State agencies against Congress is not clear.

The port authority, however, is a hybrid;⁸⁸ its very existence depended upon joint action by the States and Congress, and aspects of its continued operation remain subject to the legislative power of both. Thus, neither the doctrine of separation of powers nor considerations of federalism can alone be dispositive of the arguments here, and it is necessary to look to the analogous cases and to factors bearing upon the use of the compact device to determine whether and to what extent these documents may be immune from congressional scrutiny either constitutionally or as a matter of public policy.

The instances are few where absolute immunities have been judicially created. They include the right of an individual to invoke the self-incrimination bar of the fifth amendment against the demands of a congressional committee;⁸⁹ the right of litigants and witnesses in court proceedings to invoke the recognized common law privileges;⁹⁰ the Federal Government's right, in civil proceedings in which it is a defendant, to withhold military secrets;⁹¹ the right of members of

⁸⁰ See Bishop, "The Executive's Right of Privacy: An Unresolved Constitutional Question," 66 Yale L.J. 477, 478 n. 5. (1957.)

By "clear authority" the Court means judicial decisions or unambiguous statements by the drafters of the Constitution. Unilateral declarations by the Executive, see, e.g., the memorandum by Attorney General Brownell, id., or by Congress, see, e.g., staff of Special Subcommittee on Legislative Oversight, House Committee on Interstate and Foreign Commerce, 85th Cong., 1st sess., right of access by Special Subcommittee on Legislative Oversight to CAB files and records (committee print 1957), are not such authority. See also 5 U.S.C. sec. 22.

⁸¹ *Hannah v. Larche* (363 U.S. 420, 452 (1960)), rev'd on other grounds, 177 F. Supp. 816, 819-21 (W. L. La.) (1959). See also *Alabama v. Rogers* (187 F. Supp. 848, 853-54 (M. D. Ala. 1960)), aff'd per curiam, 285 F.2d 430 (5th cir. 1961); *In re Wallace* (170 F. Supp. 63, 67-68 (M. D. Ala. 1959)).

⁸² From time to time there has been argument as to whether the port authority is a "State" agency. Whatever value such conclusory characterizations may have, it is clear that they must be limited to the context in which they are made, none having been made on constitutional grounds. For purposes here relevant the authority must be treated as a repository of both Federal and State interests, sui generis in the Federal system.

⁸³ E.g., *Quinn v. United States*, supra, note 94.

⁸⁴ I.e., Husband-wife, lawyer-client, doctor-patient. Of course, in some jurisdictions, these privileges have been subject to statutory addition or modification.

⁸⁵ E.g., *United States v. Reynolds* (345 U.S. 1, 11 (1953)).

⁸⁰ *Reina v. United States*, 364 U.S. 507, 512 (1960).

⁸¹ *Barsky v. United States*, 83 U.S. App. D.C. 127, 131, 167 F.2d 241, 245 (1948); cert. denied, 334 U.S. 843.

⁸² *Watkins v. United States*, supra, note 37, at 200.

⁸³ *Barenblatt v. United States*, supra, note 38, at 133.

⁸⁴ CONGRESSIONAL RECORD, vol. 106, pt. 13, p. 17283 (remarks of Congressman Celler).

⁸⁴ See, e.g., *Barsky v. United States*, supra, note 89, 83 U.S. App. D.C. at 131, 167 F.2d at 245.

⁸⁵ Cf. *McPhaul v. United States* (364 U.S. 372, 378-79 (1960)); the cases there cited, and *United States v. Morton Salt Co.* (338 U.S. 632, 653 (1950)). *Quinn v. United States* (349 U.S. 155, 162-65 (1955)), is distinguishable, principally on the ground that the objection there claimed to have been raised before the committee, the self-incrimination bar of the fifth amendment, was a familiar one in congressional inquiries, so that the standard of what "a committee may reasonably be expected to understand as an attempt to invoke the privilege" could be a lower one.

Here knowledge that the subpoena called for Governors' communications was uniquely the knowledge of those connected with the authority, and they chose to attempt to gain immunity for all documents subpoenaed, rather than indicate to the committee their individual characteristics.

the Federal executive to be absolutely free from private suits for libel based on statements made in connection with "matters committed by law to [their] control and supervision,"¹⁰² and the like privilege enjoyed by members of the judiciary.¹⁰³

The thread that ties these cases together is the importance of preserving uninhibited freedom to communicate or not to communicate where certain relationships are present. It would be impossible to qualify this freedom in any one situation without seriously impairing it or destroying it altogether.¹⁰⁴

However, in analogous situations where a conflict has been presented between asserted rights and privileges, often having constitutional origins, courts have attempted to resolve the problem by balancing the interests in the particular case. This has been so, for example, where first amendment rights have conflicted with the congressional investigatory power;¹⁰⁵ where a criminal defendant's right to prepare his defense has clashed with the Government's interest in protecting the flow of information from informants;¹⁰⁶ where a State's interest in maintaining an important activity has conflicted with the Federal power to tax;¹⁰⁷ and, significantly, where the interest of a defendant in a civil contempt case in preparing a full defense has conflicted with a Federal agency's asserted executive privilege for "internal" documents.¹⁰⁸

The defendant argues, in contending for absolute immunity of compact authority documents, that permission for congressional investigations into agency operations, even to the extent here contemplated, would "supersede the States in their control of the internal management and policies of their agencies,"¹⁰⁹ and would "destroy" compacts and severely inhibit States from entering into them. This would result, it is argued, because legislative scrutiny of agency internal documents would inevitably result in legislative dictation of agency decisions.

Furthermore, he says, with anything less than absolute immunity, administrative efficiency and the atmosphere of candor necessary to well-considered agency decisions would be destroyed; raw files containing unverified reports about innocent individuals might fall into the hands of publicity seekers; and sources of confidential information necessary to agency functioning would be exposed or inhibited. In addition, it is argued, other sources of information exist from which the information can be secured.

In opposition to these arguments the Government contends that the Federal legislative

function cannot be fettered by immunities attaching to non-Federal instrumentalities. The compact clause itself, it is argued, confers power to act in the national interest, and the power to investigate in furtherance of an exercise of this power cannot be defeated by asserted interests of lesser dimension.¹¹⁰

Neither of these arguments in its full thrust is persuasive. First, as the court has already noted, the existence of a power to investigate does not, irrespective of the extent of that power, immutably lead to control by the investigating agency. Moreover, the fact that in several recent compacts the Federal Government has been included as a participant and that Congress has expressly reserved power to secure compact agency documents of the type here at issue strongly suggests that no serious inhibition to use of the compact device is presented. In two instances, the Tennessee River Basin Water Pollution Control Compact¹¹¹ and the Wabash Valley Compact,¹¹² provision is made for Presidential appointment of a "Federal representative." In two others, the New York-New Jersey Transportation Agency Compact¹¹³ and the Washington Metropolitan Area Transit Regulation Compact,¹¹⁴ Congress has reserved the right of "access to all books, records, and papers * * * as well as the right of inspection of any facility * * *." Moreover, the recently signed compact to develop the water resources of the Delaware River Basin includes the Federal Government as a full partner with the States of Delaware, New Jersey, New York and Pennsylvania.¹¹⁵

Finally, any impediment to the ideal effectiveness of compact agencies that might result from the denial of an absolute privilege cannot outweigh the impediment to Congress ability to legislate effectively that would result from a grant of an absolute privilege.

On the other hand, the court is not prepared to rule that in no situation can a privilege attach to documents of a compact agency. The court believes that it is appropriate in this situation to establish a test which balances congressional need for documents subpoenaed from compact agencies against the dangers to the particular compact involved and to the compact process in general which would result from the particular subpoena and investigation. If possible, attempt should be made to accommodate conflicting powers which overlap before it is decided that one must yield absolutely to the other. Honest and vigilant administration of the balancing test by the courts can accomplish this result. The Federal system is itself the product of accommodation between the need for central direction of affairs affecting the entire Nation and the desire to prevent overcentralization; the compact clause is a more refined product of the same problem. In resolving the conflict between the interests, asserted in cases such as this, accommodation is also the natural course.

The committee's need for the documents is based principally on these factors: since its inception over 40 years ago, the authority has not been the subject of any continuous public scrutiny, nor has any detailed investigation into its operations been made; oral testimony and documents already available to Congress cannot convey a complete picture of the authority or provide adequate groundwork for potential legislation; the importance of the national interests that may

be adversely affected requires that any action by Congress be based upon the fullest possible information and an attempt to act on anything less would subject Congress to a charge of arbitrariness.¹¹⁶

The authority's interests in nondisclosure have been stated above, but they may be summarized as a desire to preserve free communication to and among authority personnel, and a fear that confidential information may be used for improper purposes.

The court believes that on the facts of this case the balance must be struck in favor of disclosure. First, two factors indicate strongly that there is no overwhelming need to keep these particular documents secret.

In 1952, when Congress was presented with the resolution to withdraw consent from the compact resolutions until reservations could be added, Mr. Tobin offered "to place at the disposal of your committee whatever records, information, data, or other material which may be helpful to your staff in preparation for the hearings on this resolution."¹¹⁷

Moreover, the executive privilege argument was not raised by the authority when a committee of the New Jersey Legislature recently inquired into its operations, and by defendant's own admission he was, in connection with this inquiry, "producing every paper in the port authority that the Commission [sic] asks for. They are entitled to every scrap of paper and every memorandum and everything we have * * * [w]ithout exception."¹¹⁸

Defendant's attempts at trial to counteract the unfavorable implication of these statements was not convincing.

Second, the court is confident that the committee will not needlessly reveal publicly authority documents that would otherwise be confidential. That preservation of confidentiality wherever possible was, in fact, the committee's purpose is indicated by its original offer to inspect and sift the documents at the authority's New York headquarters. This purpose is further borne out by a statement made by a member of the full Judiciary Committee on the floor of the House during debate preceding the vote on the committee's recommendation to cite Mr. Tobin for contempt:

"I, for one, fully realize that much of the material could and properly should be examined in executive session. Such a procedure would enable the committee to cull out the material from the immaterial. This procedure is frequently followed in judicial proceedings and as members of the Judiciary Committee, I am satisfied that such will be the course followed by the committee."¹¹⁹

¹¹⁶ The committee also urges the premise implicit in the Supreme Court's observation in *McGrain v. Daugherty* (273 U.S. 135, 175 (1927)), that "[e]xperience has taught * * * that information which is volunteered is not always accurate or complete * * *," and relies strongly, and in the Court's view validly, on the inferences to be drawn from the record, as to its need for the documents, from two specific kinds of documents whose existence among those subpoenaed was revealed: i.e. the authority's "assumptions" regarding the "profitability" of individual authority facilities, tr. 536, and communications revealing the way in which authority decisions are made, which may indicate whether Federal interests are properly considered in making them: e.g. November-December tr. 224-31 (memorandum "to file" from Mr. Tobin regarding conversations with Dwight Palmer, New Jersey authority liaison representative concerning proposals that the authority participate in commuter railroad equipment financing).

¹¹⁷ 1952 tr., supra note 20, at 346.

¹¹⁸ Tr. 527.

¹¹⁹ CONGRESSIONAL RECORD, vol. 106, pt. 13, p. 17288 (remarks of Congressman WILLIS).

¹⁰² *Barr v. Matteo* (360 U.S. 564 (1959)).

¹⁰³ *E.g., Bradley v. Fisher* (13 Wall. 335 (1871)).

¹⁰⁴ *Gregoire v. Biddle* (177 F. 2d 579, 581 (2d cir. 1949)).

¹⁰⁵ *E.g. Barenblatt v. United States*, supra note 38.

¹⁰⁶ *Roviaro v. United States* (353 U.S. 53, 58-62 (1957)).

¹⁰⁷ *E.g. New York v. United States*, supra note 86, at 586-590 (concurring opinion of Stone, C. J.).

¹⁰⁸ *Olson Rug Co. v. NLRB* (No. 12303, 7th cir., May 25, 1961, pp. 9-10). [29 U.S.L. Week 2576]. See also *Kaiser Aluminum & Chemical Corp. v. United States* (157 F. Supp. 939 (ct. claims 1959, Reed, J.) (semble)). In addition, there are situations, exemplified by *Jencks v. United States* (353 U.S. 657, 670-72 (1957)), and the cases there approved, in which the Government is given the choice of declining to prosecute a man or revealing documents which otherwise might be covered by an "executive privilege," e.g., *United States v. Andolschek* (142 F. 2d 503, 505-06 (2d cir. 1944)), whose thrust is to place below other constitutional values the interest in secrecy of internal and informer communications engaged in by Federal agencies.

¹⁰⁹ Br. 58-59.

¹¹⁰ Brief for the Government, p. 23.

¹¹¹ 72 Stat. 823 (1958), sec. 3(a).

¹¹² 73 Stat. 694 (1959), sec. 2.

¹¹³ 73 Stat. 575 (1959), sec. 2(e).

¹¹⁴ 74 Stat. 1031 (1960), sec. 7(c).

¹¹⁵ Interstate-Federal compact for the Delaware River Basin, formally approved by the representatives of the compacting members on Feb. 1, 1961, New York Times, Feb. 2, 1961, p. 1.

These facts indicate to the court that if the committee is given access to the documents, it will not reveal to the public, by leaks or otherwise, any which are not essential to its proper legislative purposes.¹²⁰

Third, the argument that enthusiasm for the compact device will be dampened if Congress is afforded access to documents such as these is not persuasive in view of the fact that the very States involved in this case have entered into another compact, in approving which Congress reserved the right to subpoena such documents.

It cannot be emphasized too strongly that the conclusion reached here is the result of a balancing of the unique facts of this case. In a future situation involving this agency or another, the factors will have to be weighed afresh, and clearly relevant will be the way in which the powers here recognized are exercised.

V. The defense of superior order

Mr. Tobin's final defense is that his non-compliance with the subpoena was ordered by the Governors in their letters to the Commissioners on June 25.

The purpose of the misdemeanor statute upon which this information rests is "to facilitate the gathering of information deemed pertinent to the purpose of an investigating committee,"¹²¹ by deterring those who consider obstructing such work and by punishing those who actually do.¹²² The statute's requirement that the contempt be "willful" is satisfied if "the refusal was deliberate and intentional and was not a mere inadvertence or an accident."¹²³ "No moral turpitude is involved;"¹²⁴ for example, willfulness is not negated by good faith reliance on the advice of counsel.¹²⁵ Of course, if the individual subpoenaed is not physically able to comply with the request, he cannot be convicted—unless he purposely caused the disability.¹²⁶

It is a generally accepted doctrine in criminal law that orders of another are no legal defense to a charge of performing an act otherwise illegal, except where they carry a threat of physical retaliation.¹²⁷ However, with one significant exception,¹²⁸ orders from a superior have been held a defense in cer-

tain contempt of court proceedings involving subordinate Government employees.¹²⁹

Thus, if the June 25 letters, when viewed in total context, (a) deprived Mr. Tobin, without his assistance or consent, of the physical ability to produce the documents, or (b) constituted a legally sufficient justification for his refusal to produce, or (c) caused his default to lack the statutorily required willfulness, it would be a valid defense to this prosecution.

(a) The record makes it clear that the defense of physical inability to comply cannot be invoked, for the materials were not removed from Mr. Tobin's control. After the Governors' letters they remained exactly where they were, and Mr. Tobin retained access to them. This is borne out by his trial testimony that he has, without the Governors' consent, offered to produce for the New Jersey Legislature all authority documents.¹³⁰

(b) Although no court has ever decided whether the order of a superior justifies a Government official in not complying with a congressional mandate to produce information, a body of precedent does exist with regard to court orders. The relevant cases¹³¹ reveal that refusals to comply, based upon the Federal housekeeping statute¹³² and regulations promulgated thereto, will generally be honored by the courts.

There are two principal policy motives which underlie this judicial attitude: (1) Since requests for documents and information come from a great number of sources, it is desirable, in order to assure that consistent and responsible decisions are made, to centralize in one authority in each department the power to determine whether to honor such requests;¹³³ and (2) it is necessary, in order to avoid inhibiting those who furnish information to the Government, to insure that such information will not be released except by officials of high rank, in whose discretion informants presumably would have greater confidence.¹³⁴ However, where neither policy is operative, and where the sole purpose of the superior's directive is to resist the order to produce, the superior's mandate will not constitute justification.¹³⁵

The court is of the view that this case is controlled by the reasoning implicit in *Sawyer v. Dollar*¹³⁶ and that the policies operative in the Housekeeping Statute cases are not present here. The purpose of the Governors' letters, by their own language, was not to centralize determinations about release of authority documents; such power was already centralized in Mr. Tobin. Nor was it to preserve the continued flow of outside confidential communications to the authority; the defense of privilege of the subpoenaed documents could have been and, indeed, was forcefully asserted before the committee by Mr. Tobin, the custodian of the documents, who reflected the attitude of all connected with the authority. Rather, the letters' objective was either to compel the committee to confer with the Governors before the inquiry proceeded, or to insure default on the subpoena to precipitate a court test of the committee's power to demand the subpoenaed material.¹³⁷ As such, it could

not constitute a justification for Mr. Tobin's refusal to produce the documents.

(c) Mr. Tobin also seeks to establish by the letters that his conduct lacked the willfulness required by the statute. As phrased by the amicus brief filed in this case by New York and New Jersey "[i]t runs contrary to our system of justice to allow a person to be held criminally liable when he has acted in accordance with orders from his superiors and his oath of office."¹³⁸

This is so, it is argued, principally because if Mr. Tobin disregarded the directive, the Governors would then dismiss him from office or veto the commissioners' action renewing his contract; while if he disobeyed the subpoena and it were upheld, he would be found guilty of a Federal crime and would face the possibility of a jail term. The court, it is contended, should construe the statutory requirement of willfulness to avoid such a result.

Had the record only contained Mr. Tobin's statement at the return of the subpoena that he had recommended nondisclosure to the two Governors, the court might conclude that he acted only within the scope of his proper duties as the Governors' adviser, and thus the construction contended for might be permissible. However, from a study of the entire record, the court is satisfied that the Governors' letters were the product of efforts to justify Mr. Tobin's continuous position of non-compliance. His role was thus more than that of an adviser, and the letters were a ratification of his position rather than a command to assume that position. When the letters are thus viewed, the court concludes, refusal to obey the subpoena was willful within the meaning of the statute.

These factual conclusions are justified by Mr. Tobin's own statements and by documents presented to the committee and to the court. He testified on trial that from the time he received the first letter from the Judiciary Committee chairman in March 1960, he thought "it would be a grave mistake for the two States to permit this sort of investigation * * *." ¹³⁹ The import of the remainder of his testimony is that he encouraged, assisted, and concurred in a letter sent to the two Governors on March 18, 1960, over the signatures of the authority chairman and vice chairman, the last sentence of which stated:

"We will not grant them [the committee] access to internal administrative material or the day-to-day working files of the various departments of the port authority until we receive your authorization to do so."¹⁴⁰

Further, Mr. Tobin testified that he participated in many meetings between the authority staff and commissioners and the Governors, which were held not to discuss whether there ought to be production of the authority documents, because all agreed that there should not be, but to resolve "differences * * * as to procedure * * * the two Governors should take."¹⁴¹

Just as one summoned by a congressional committee cannot destroy subpoenaed documents and then claim that his failure to produce them was not willful, one cannot take a position of noncompliance, play a major role in procuring a directive to confirm that attitude, and then argue that he has been so deprived of free choice that his actual failure to comply was not willful. It is no argument that had Mr. Tobin wanted to comply, the Governors still might have issued a contrary directive; the statute focuses on his conduct, not theirs, and it is enough that had his attitude been one of

¹²⁰ Another important indication that the committee was attempting to limit the range of documents requested and will limit the uses to which they are put—thus reducing the effects of their disclosure on internal authority operations—is the fact that the full committee's original requests for personnel documents, June 29 tr. 14, 15, were not included when the subpoena itself was issued. The court concludes, as the Government conceded on trial, tr. 776, that the subpoena as issued must be read as not calling for personnel records, even though such records might otherwise be included within one of the categories enumerated in the subpoena.

¹²¹ *Fields v. United States*, 82 U.S. App. D.C. 354, 357, 164 F. 2d 97, 100 (1947), cert. denied 332 U.S. 851 (1948).

¹²² *United States v. Bryan*, 339 U.S. 323, 329 (1950).

¹²³ *Fields v. United States*, supra.

¹²⁴ *Braden v. United States*, supra note 60, at 437; *Licavoli v. United States*, No. 15764, D.C. Cir., February 16, 1961.

¹²⁵ Id.

¹²⁶ *United States v. Bryan*, supra note 119, at 330-31; cf. *Societe Internationale v. Rogers*, 357 U.S. 197, 208-09 (1958) (dictum).

¹²⁷ ALI, Model Penal Code (tentative draft No. 10) sec. 2.09, p. 7; *Susnjak v. United States*, 27 F. 2d 223, 224 (6th Cir. 1928); *State v. Western Union Telephone Co.*, 12 N.J. 468, 97 A. 2d 480, 493 (1953), appeal dismissed 346 U.S. 869.

¹²⁸ *Sawyer v. Dollar*, 89 U.S. App. D.C. 38, 190 F. 2d 623 (1951), vacated as moot, 344 U.S. 806 (1952).

¹²⁹ E.g. *United States ex rel Touhy v. Ragen*, 340 U.S. 462 (1951); *Boske v. Comingore*, 177 U.S. 459 (1900); *Appeal of SEC*, 226 F. 2d 501 (6th Cir. 1955).

¹³⁰ Tr. 527.

¹³¹ Supra note 126.

¹³² 5 U.S.C., sec. 22.

¹³³ *United States ex rel. Touhy v. Ragen*, supra note 126 at 468.

¹³⁴ *Boske v. Comingore*, supra note 126, at 469-470.

¹³⁵ *Sawyer v. Dollar*, supra note 125, 89 U.S. App. D.C. at 46-55, 190 F. 2d at 631-640.

¹³⁶ Id. cf. *United States v. United Mine Workers*, 330 U.S. 258, 293-94 (1947).

¹³⁷ Supra note 30.

¹³⁸ P. 59.

¹³⁹ Tr. 437.

¹⁴⁰ Defendant's exhibit No. 3a.

¹⁴¹ Tr. 438.

compliance, the directive might not have issued.¹⁴²

Because the facts here presented reveal that the Governors' letters, which theoretically faced Mr. Tobin with a conflict between two orders, was the product of his own efforts and a ratification of his own attitude, the court need not and does not decide whether noncompliance with a congressional subpoena would be willful where a subordinate was instructed by a superior's directive, unsolicited by him, to defy it. Nor does the court decide whether sanctions could be applied to the superior who retaliates when the congressional mandate is obeyed.

VI. Conclusion

It is regrettable that the differences between two members of our governmental family should have ripened into litigation such as this. Hostile lawsuits, like wars between nations, are a poor substitute for effective diplomacy where interacting governmental units are concerned. Conflicts of power are, of course, inevitable in our Federal system, with its built-in fragmentation of power centers, but the greater the chance of conflict, the greater the need for statesmanship on the part of those who head the various units.

The fact that the court decides that Congress has the power to request the documents here subpoenaed and to investigate this compact agency is neither *carte blanche* to excessive use of that power nor an excuse for failure by the committee to reexamine the relative necessity and desirability of some of its requests and the manner in which it conducts its hearings. As the court has previously indicated, one of the controlling factors in this case is that this is the first full probe into the port authority ever conducted by Congress.

Finally, the court must comment on the way in which it was necessary for Mr. Tobin and the authority to challenge, in good faith, Congress' right to subpoena these documents: to stand in contempt and be liable for criminal prosecution. During the House debate on the contempt citation, the committee inserted in the CONGRESSIONAL RECORD a memorandum purporting to show that declaratory judgment procedures were not an available means for procuring judicial resolution of the basic issues in dispute in this case.¹⁴³ Although this question is not before the court, it does feel that if contempt is, indeed, the only existing method, Congress should consider creating a method of allowing these issues to be settled by declaratory judgment. Even though it may be constitutional to put a man to guessing how a court will rule on difficult questions like those raised in good faith in this suit,¹⁴⁴ what is constitutional is not necessarily most desirable.

Especially where the contest is between different governmental units, the representative of one unit in conflict with another should not have to risk jail to vindicate his constituency's rights. Moreover, to raise these issues in the context of a contempt case is to force the courts to decide many questions that are not really relevant to the underlying problem of accommodating the interest of two sovereigns.

Upon a finding of guilty of the offense charged against the defendant the statute requires a sentence of a fine of not more

than \$1,000 nor less than \$100, and imprisonment for not less than 1 month nor more than 12 months. The defendant, therefore is sentenced to a fine of \$100 and 30 days in jail. However, because defendant has stipulated his willingness to turn over the documents to the committee in the event of a finding of guilty, the sentence¹⁴⁵ will be stayed for a period of 30 days, and in the event of compliance with the subpoena, will then be suspended.

Assuming a review and affirmation of this conviction, the sentence will be further stayed until 30 days after the mandate of the appellate court has been filed.

LUTHER W. YOUNGDAHL,

Judge.

JUNE 15, 1961.

APPENDIX A

Statement entitled "The Documents Required by the Subpenas as Modified by the Letters Are Pertinent to the Authorized Purpose of This Investigation," authorized by Subcommittee No. 5 to be read at the June 29, 1960, hearing, and read at that time by committee chief counsel [H. Rept. No. 2117, 86th Cong., 2d sess. (report citing Austin J. Tobin)], pp. 48-52]:

"Questions have been raised as to the pertinence to the subcommittee's inquiry of the documents required by the subpoenas served upon these witnesses. With respect to those questions, the Chair wishes to make the following statement:

"In the judgment of the subcommittee, the pertinence to the stated purpose of the subcommittee's inquiry of each of the categories of documents required by the subpoenas served upon these witnesses on June 15, 1960, is clear on the face of the subpoenas.

"Virtually all these documents were first requested from the port authority in March of this year. Since then, other letters have been sent to the executive director of the port authority setting forth generally the scope of the inquiry, particularizing the requests, and making clear that the subcommittee will consider production of all documents described in these subpoenas dating from January 1, 1946, to June 15, 1960, to be full compliance with the subpoenas.

"Thus, the port authority, its officers and employees, including these three witnesses, have had ample opportunity to study these requests and ascertain their pertinence.

"While in the view of the subcommittee further explanation is not necessary, nevertheless, to avoid any possible question and in order to make abundantly clear to these witnesses wherein the documents requested by the subcommittee are pertinent to the subcommittee's inquiry, the Chair will explain briefly some of the reasons for requesting each of the categories of documents listed in the subpoenas.

"As the Chair pointed out in his opening statement, the purpose of this inquiry is 'to ascertain conformance or nonconformance of the Port of New York Authority with the congressionally imposed limitations on its powers and the extent and adequacy with which the authority is carrying out its duties and responsibilities under the congressionally approved compacts in order to determine whether Congress should legislate 'to alter, amend or repeal' its resolutions of approval."

"The documents listed in the subpoenas are sought to aid the subcommittee in performing this legislative purpose. Each category of documents was considered by the subcommittee and was concluded to be necessary and pertinent to the accomplishment of this purpose.

"1. Item (1) of the subpoenas calls for production of 'all bylaws, organization manuals, rules, and regulations' of the port authority.

¹⁴⁵ By "sentence," the court means the fine and the jail term.

"These documents are needed to apprise the subcommittee of the scope and extent of the port authority's activities in order that the subcommittee may ascertain whether or not the authority is adhering to the duties, responsibilities and limitations placed upon it by Congress in the enabling resolutions of 1921 and 1922.

"A thorough knowledge of the port authority's structure, lines of authority, and its rules and regulations governing the activities of its officers and employees is needed so that the subcommittee may fully comprehend the scope of the authority's operations.

"Furthermore, article XVIII of the 1921 compact, approved by the Congress in Public Resolution 17 of the 67th Congress, authorizes the port authority to make suitable rules and regulations 'not inconsistent with the Constitution of the United States' and 'subject to the exercise of the power of Congress for the improvement and conduct of navigation and commerce.'

"Manifestly, the subcommittee must examine, among other things, all rules, regulations, and manuals promulgated by the authority to find out whether they are in conformity with the limitations expressed in that article.

"2. Item (2) of the subpoenas calls for production of 'annual financial reports; internal financial reports, including budgetary analyses, postclosing trial balances, and internal audits; and management and financial reports prepared by outside consultants.'

"These materials, in addition to the port authority's annual two-page summaries of financial condition, are required by the subcommittee so that it may learn with particularity the extent and scope of the port authority's operations and activities with respect to specific undertakings.

"It is, therefore, necessary for the subcommittee to find out how much of the authority's revenues are derived from, and how much of its expenditures go toward carrying out, each of its various projects.

"Such information is essential to determine whether or not certain channels of interstate commerce in the port district are being discriminated against, or unduly burdened by, the policies—including financial policies—of the authority.

"In addition, it has been alleged that the policy of the port authority in combining revenues for financing purposes from all its facilities, rather than reducing tolls on each facility as it is amortized, places an undue burden on the channels of interstate commerce and is contrary to national transportation policy.

"The subcommittee needs the information specified in this item in considering the advisability of legislation conditioning congressional consent to the compacts upon agreement to modify existing policies of the authority.

"Moreover, some of the receipts and expenditures of the port authority are, under the terms of the interstate compacts and under Federal law, subject to the scrutiny of various Federal agencies. For example, the Department of the Navy, the U.S. Army Engineer Corps, the Federal Aviation Agency, the General Services Administration, and the General Accounting Office, among others, all have legal responsibilities over some of the authority's activities and finances.

"Accordingly, it will be necessary for the subcommittee to examine all audits and internal financial data of the authority to determine the manner and extent to which the port authority has complied with the supervisory requirements imposed by the Federal agencies with responsibility for various port authority activities under the interstate compacts and to determine whether or not congressional consent should be conditioned upon added safeguards.

"3. Item (3) of the subpoenas calls for all 'agenda and minutes of meetings of the

¹⁴² Cf. *United States v. Fleishman*, 339 U.S. 349 (1950), *Societe Internationale v. Rogers*, *supra*, note 123, at 205.

¹⁴³ CONGRESSIONAL RECORD, vol. 106, pt. 13, pp. 17308-17312.

¹⁴⁴ *Watkins v. United States*, *supra* note 37, at 208. No court has, however, passed on the constitutionality of the contempt statute from this viewpoint, and it was not argued in this case. But cf. Comment, 11 Stanford L. Rev. 164 (1958); note, 47 Colum. L. Rev. 416, 428-30 (1947).

board of commissioners and of its committees; all reports to the commissioners by members of the executive staff.

"These documents are pertinent to the inquiry to enable the subcommittee to learn what policies have been adopted by the board, the manner and extent to which those policies have been carried out by the authority personnel and staff, and how those policies conform to obligations and limitations imposed by the congressionally approved compacts.

"This will permit a thoroughgoing review of the scope and extent of the activities and operations of the port authority at the top levels. It will also enable the subcommittee to determine whether or not policy formation and execution by the authority is consistent with congressionally approved objectives.

"The agenda and the reports of the staff are also required in order to afford a full view of the authority's activities and operations. For example, failure of the authority to follow staff recommendations with respect to any Federal interest affected by the authority's operations might frame issues significant in the subcommittee's assessment of those operations.

"Item 4(a) of the subcommittee's subpenas calls for all files relating to 'negotiation, execution, and performance of construction contracts; negotiation, execution, and performance of insurance contracts, policies and arrangements; and negotiation, execution and performance of public relations contracts, policies and arrangements.'

"This request was made because those three categories of authority activities represent areas having direct impact upon Federal interests.

"Construction contracts are important to the subcommittees because most construction undertaken by the authority is for facilities used in, or in the aid of, interstate commerce or national defense. The subcommittee desires to ascertain whether this construction satisfies Federal requirements, policies and responsibilities and whether other construction work by the authority affects or interferes with any Federal projects or construction policy.

"Insurance contracts are necessary to the inquiry, in part, because of the huge risks involved in the day-to-day operation of authority facilities and the potential liability of the port authority with respect to important national defense instrumentalities and with respect to the movement of persons and goods in interstate commerce.

"In the event of any casualty for which the authority is liable, the possible indemnity could reach hundreds of millions of dollars, as was the case, for example, in the Texas City disaster. Should the files show that insurance coverage has not been adequate to protect fully all of the Federal interests affected by the port authority, modification of the interstate compacts may be necessary.

"Further, in the negotiation or letting of insurance or construction contracts clothed with Federal interests, practices are followed that prevent full competition or otherwise conflict with national policies, again, legislation modifying consent in these regards may become important.

"Public relations contracts are needed for similar reasons and for the additional reason that such contracts can be, and according to reports brought to the subcommittee's attention, have been used for the purpose of affecting legislation and other governmental decisions on a variety of subjects, including diversion of interstate and foreign commerce from certain U.S. ports to the port of New York.

"Such activities of the port authority are of manifest significance to the Congress because the very purpose of the constitutional requirement of congressional consent is to safeguard the interests of the many States

from the combined efforts of those acting under a compact.

"Item 4(b) of the subcommittee's subpenas calls for all records relating to 'the acquisition, transfer, and leasing of real estate.'

"These documents are sought by the subcommittee, in part, because of its concern over certain real estate practices of the port authority as reported in various allegations coming to the subcommittee's attention. The subcommittee's duty to ascertain whether amending legislation to the consent resolutions of 1921 and 1922 is necessary with respect to these matters, makes it essential for it to examine these files.

"In this connection, the subcommittee wishes to consider, for example, whether real estate acquisitions, transfers and leases by the port authority outside the specified geographical limits of the port district as contemplated by Congress should be further limited by modifying legislation. It also wishes to consider, as an additional example, whether the acquisition, transfer and leasing of real estate by the port authority for industrial development and similar commercial purposes not related to the initially approved purpose of coordinating transportation should be curtailed or regulated.

"These legislative aims require that the subcommittee have full knowledge of current and past practices and policies of the port authority with respect to all real estate transactions.

"Item 4(c) of the subcommittee's subpenas requires the production of files relating to 'the negotiation and issuance of revenue bonds.'

"These documents are sought, in part, because it has been alleged that full and free competition is not permitted by the authority in underwriting arrangements for issuance of its bonds.

"In addition, it appears that issuance of these bonds is not subject to regulation by the Securities and Exchange Commission. The effectiveness with which the port authority conducts these financing operations bears directly upon its ability to carry out its responsibilities under the compacts.

"Accordingly, it is essential that the subcommittee scrutinize these files in considering whether to condition further consent to the compacts upon changes in financial policies of the authority.

"Item 4(d) of the subcommittee's subpenas calls for files relating to 'the policies of the authority with respect to the development of rail transportation.'

"These documents have been requested because of the subcommittee's desire to ascertain the extent to which one of the authority's principal purposes has been carried out. In article 6 of the 1921 compact as approved by Congress, certain primary powers granted under the compact are conditioned upon approval of a comprehensive plan for the development of the port.

"In 1922, this comprehensive plan was presented to the Congress and approved. The 1922 comprehensive plan dealt extensively with development of rail transportation into and out of the port district. Accordingly, examination of files dealing with policies concerning the development of rail transportation are necessary to give the subcommittee information as to how this part of the authority's mandate as approved by Congress in 1922 has been and is being carried out.

"The foregoing explanation, the Chair wishes to emphasize, illustrates only some of the respects in which the documents required by its subpenas are necessary to the effectuation of the subcommittee's inquiry.

"The Chair has made the foregoing statement to make clear to all concerned that the selection of documents required by the subpenas is reasonably calculated to aid the subcommittee in carrying out the duties and responsibilities imposed upon it by its parent Committee on the Judiciary and by the

U.S. House of Representatives. However, the foregoing in no way exhausts the reasons why the documents called for by the subpenas are pertinent and necessary to the subcommittee's inquiry."

DEBT LIMIT

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I call the attention of the House to the fact that the debt limit bill will be before us probably this week, and I am including with my remarks at this point a copy of the separate minority views on this important legislation. We are now going to increase the temporary debt limit by \$5 billion, making a total increase of \$13 billion in an administration which avowedly is following a course of deficit financing. I recommend to all of my colleagues these supplemental views.

The minority views to which I refer are as follows:

IV. SEPARATE VIEWS OF THE MINORITY ON H.R. 7677

On January 20, 1961, the American people were admonished:

"Ask not what your country will do for you—ask what you can do for your country."

This utterance occurred 4 days after President Eisenhower submitted his last budget message to the Congress. Nothing has occurred since January 20 in Federal fiscal affairs—or, indeed, in any other area of Government affairs—that would suggest that these hope-inspiring words were anything but an empty expression, devoid of purpose and destitute of meaning.

These minority views on H.R. 7677 will be devoted to a consideration of the fiscal experience of the past 5 months which has found the only things asked of our citizens are (1) impaired purchasing power of earnings and savings because of inflation and (2) higher taxes—for the most part to be imposed not upon ourselves but upon succeeding generations—because of mounting public indebtedness. Consideration will also be given to the grave fiscal implications involved in the compulsive and unrestrained spending practices of the Kennedy administration that have necessitated a record peacetime debt ceiling recommendation of \$298 billion for fiscal year 1962.

The above-mentioned Eisenhower budget message of January 16, 1961, was for fiscal year 1962, and contained budgetary estimates involving receipts of \$82.3 billion, expenditures of \$80.9 billion, a surplus of \$1.5 billion, and a public debt at the end of the fiscal year of \$283.4 billion. That budget was neither penurious nor neglectful in recommending the timely performance of essential responsibilities of the Federal Government.

President Eisenhower in submitting his budget message said that his recommendations "will meet the essential domestic needs of the Nation, provide for the national defense, and at the same time preserve the integrity and strength of our Federal Government's finances." President Eisenhower went on to say that his budget proposal recognized "national priorities" to "help foster noninflationary prosperity at home and strengthen confidence in the dollar abroad." In presenting his recommendations to the Congress, he warned:

"Our resources will not be unlimited. New and expanded Federal programs being urged by special groups are frequently appealing, but, added to existing commitments, they

threaten to swell expenditures beyond the available resources.

"The Federal Government cannot reasonably satisfy all demands at the same time. We must proceed first to meet those which are most pressing, and find economics to help pay their costs by reappraising old programs in the light of emerging priorities. We must encourage States and localities to increase further their participation in programs for meeting the needs of their citizens. And we must preserve and strengthen the environment in which individual initiative and responsibility can make their maximum contribution."

Thus did President Eisenhower describe his budget and its underlying principles. Unfortunately, President Kennedy did not agree with respect to either dollar magnitudes or fiscal objective. The Kennedy administration in 5 months' time has changed surpluses to deficits and has abandoned any semblance of concern for a balanced budget. The administration has vainly attempted to substitute bigger Government spending for effective leadership as it has temporized with crises at home and abroad. The present administration now estimates fiscal year 1962 will involve receipts of \$81.4 billion, expenditures of \$85.1 billion, a deficit of \$3.7 billion, and a public debt of \$290.1 billion.

There follows a comparison of the estimated budget projections of the Eisenhower administration (as of January 16, 1961) and the Kennedy administration (as of June 15, 1961) for fiscal years 1961 and 1962. In submitting these data caution is urged in recognizing that expenditure estimates may be lower than experience will prove to be the fact.

It is evident from table 1 that the Kennedy administration has required only 5 months in which to increase recommended budgetary expenditures by a total of \$6 billion for fiscal years 1961 and 1962. And in all likelihood this is only the beginning unless Congress imposes the fiscal restraint and responsibility urgently required for sustainable national progress. The spending policies of this administration are largely responsible for converting fiscal year 1962 from a year of debt reduction to a level of \$283.4 billion, as forecast by President Eisenhower, to a year of debt increase to a level of \$290.1 billion. The annual cost of interest alone to carry this \$6.7 billion addition to the total debt level projected for June 30, 1962, over the Eisenhower estimated debt level is \$268 million, assuming an interest rate of 4 percent.

The increases in budgetary spending and budgetary deficits referred to above do not reflect the only increases in cost of Government recommended by the Kennedy administration.

Other nonbudgetary spending affecting the cost of Government includes trust fund expenditures, which are currently proposed, for fiscal year 1962 at \$1.5 billion higher than recommended by the previous administration. In regard to deficits in trust fund operations, President Kennedy recommends, for fiscal year 1962, that a projected even balance be allowed to become a \$1 billion deficit. Trust fund expenditures will be in the magnitude of almost \$27 billion for fiscal year 1962.

A second nonbudgetary area of spending is concerned with what has been descriptively characterized as back-door spending. The primary budget prepared by the Eisenhower administration sought to avoid any new back-door financing as well as to redirect existing back-door programs to the regular appropriations process. The Kennedy administration advocated a shift from regular appropriations procedures to back-door financing on the area redevelopment legislation. This was followed by two other huge administration supported back-door

financed programs. The first is the Kennedy administration foreign aid bill which contains \$8.8 billion in back-door spending for loans for underdeveloped countries. The second is the \$8.8 billion called for in back-door financing in the administration's housing bill. When these programs are added to the administration's education program, it becomes evident that the Kennedy administration has endorsed or proposed approximately \$20 billion in additional back-door spending in the first 5 months of its existence. There is reason for genuine concern over the extent to which the back-door spending may become a front-door demand on the Treasury because of unrealistic optimism over the recoupment potential in the Kennedy administration proposed back-door programs.

The full impact of Federal operations is demonstrated by a consideration of total receipts from and payments to the public. These statistical data combine receipts and payments from the budget, trust funds, and Government-sponsored enterprises. Under the Kennedy administration a January estimated surplus of \$1.1 billion in combined operations would be converted to a June estimated deficit of \$1 billion for fiscal year 1961, and the comparable figures for fiscal year 1962 would be a January estimated surplus of \$1.3 billion and a June estimated deficit of \$4.8 billion. The Kennedy administration has recommended an increase in payments to the public in fiscal years 1961 and 1962 totaling \$6.9 billion. The data in table 2 set forth the budget, trust fund, and cash budget information discussed above.

TABLE 1.—Budget totals

[Billions of dollars]

Budget item	Fiscal year 1961		Fiscal year 1962	
	Jan. 16, 1961	June 15, 1961	Jan. 16, 1961	June 15, 1961
Receipts.....	\$79.0	\$78.2	\$82.3	\$81.4
Expenditures.....	78.9	80.7	80.9	85.1
Surplus (+) or deficit (—).....	+1	—2.5	+1.5	—3.7
New obligational authority.....	82.1	87.1	80.9	87.6
Debt at end of year ¹	284.9	289.0	283.4	290.1

¹ The change in public debt is not the same as projected budget surplus or deficit because it reflects changes in Treasury cash balances, etc.

TABLE 2.—Principal fiscal totals in Federal budgets, fiscal years 1961 and 1962¹

[Billions of dollars]

	1961		1962		Difference, JFK versus January budget	
	January budget	JFK	January budget	JFK	1961	1962
Budget receipts.....	79.0	78.2	82.3	81.4	—0.8	—0.9
Budget expenditures.....	78.9	80.7	80.9	85.1	+1.7	+4.2
Budget surplus (+) or deficit (—).....	+1	—2.5	+1.5	—3.7	—2.6	—5.2
Trust fund receipts.....	24.2	24.8	25.2	25.7	+0.6	+0.9
Trust fund expenditures.....	24.1	24.5	25.2	26.7	+0.4	+1.5
Trust fund surplus (+) or deficit (—).....	+0.1	+0.3	—0.0	—1.0	+0.2	—1.0
Receipts from the public ²	99.0	98.5	103.1	102.3	—0.5	—0.8
Payments to the public ²	97.9	99.5	101.8	107.1	+1.6	+5.3
Excess of receipts (+) or payments (—).....	+1.1	—1.0	+1.3	—4.8	—2.1	—6.1
New obligational authority.....	82.1	87.1	80.9	87.6	+5.1	+6.7

¹ 1961 and 1962 estimated in Eisenhower budget document in January and Kennedy revisions in March and May.

² Budget and trust fund totals combined, minus intragovernmental transactions and minor items.

NOTE.—Detail in this and subsequent tables may not add to totals because of rounding.

It is proper to inquire the extent to which this increased spending that is being spent today and presumably paid for at an undetermined future time may be for essential items involving major national security or is for items of possibly a more discretionary nature. Table 3 relates to this consideration:

TABLE 3.—New obligational authority by major function

[Fiscal year 1962; dollar figures in billions]

	January budget	Current budget	Difference
Total new obligational authority.....	\$80.9	\$87.6	+\$6.7
Major national security.....	46.3	48.6	+2.3
Other purposes and functions ¹	34.6	39.0	+4.4

¹ Includes such items as increases for agriculture, education, housing, and space proposals.

Of the total increase of \$6.7 billion in new obligation authority proposed during the course of 5 months by the Kennedy administration over and above the \$80.9 billion recommended in the January budget, 34 percent (\$2.3 billion) is for major national security items and 66 percent (\$4.4 billion) is for other purposes and functions of the Federal Government.

The allocation of the increased obligational proposals between defense and other functions as revealed in table 3 suggests a serious question as to the propriety of the Congress acting at this time on the full \$13 billion increase in the debt ceiling. Not a single departmental appropriation bill for fiscal year 1962 has as yet cleared the Congress; and still undetermined is the disposition of recommended programs involving literally billions of dollars in "back-door" spending. It might be that the Congress should now act to approve a lesser increase in the debt limit pending a determination as to the willingness of a majority in the Congress to subscribe to the spending proclivities of the

Kennedy administration largely in support of pressure group programs not generally urged or desired by the American people.

An indication of estimated budget expenditures proposed for fiscal year 1962 (exclud-

ing Department of Defense military expenditures) dependent upon new authorizing legislation or new obligation authority is set forth in table 4. An examination of this table suggests some of the areas of proposed

spending that should receive careful study by the Congress in terms of deciding priorities and the justification, if any, for engaging in deliberate deficit financing.

TABLE 4.—Estimated budget expenditures in fiscal 1962 dependent upon new authorizing legislation (as well as new obligational authority) (excluding Department of Defense, military)

[In millions]

Program or proposal	Estimated expenditures, 1962			Program or proposal	Estimated expenditures, 1962		
	Jan. 16, 1961, budget	Revisions since Jan. 20, 1961	Total		Jan. 16, 1961, budget	Revisions since Jan. 20, 1961	Total
Judiciary: Judgeship bill.....		\$4	\$4	Department of Health, etc.—Continued			
Funds appropriated to the President: Mutual security program—economic and contingencies.....	\$539	75	614	Education—Continued			
Independent offices:				Aid to elementary and secondary education.....	\$500		\$500
Atomic Energy Commission: Plant acquisition and construction.....	26		26	National Defense Education Act.....	15		15
Civil Service Commission: Payment to certain retired employees, widows, and widowers from trust fund rather than appropriated funds for certain benefits enacted in 1958.....	—45		—45	Aid to higher education.....	21		21
Federal Home Loan Bank Board: Temporary premium rate increase for member banks (equivalent to reduction in high requirement for investment in stock).....	—164		—164	Medical education.....	9		9
National Aeronautics and Space Administration: Annual authorization.....	537	415	952	Health:			
Veterans' Administration:				Environmental health activities.....	\$3		3
Direct loans to veterans (January proposal would confine to Korean veterans).....	—30	30		Community health activities.....	9		9
Selective increases in veterans' compensation rates.....		65	65	Water and air pollution control.....	12		12
Housing and Home Finance Agency:				Welfare:			
Low-cost housing.....		60	60	Medical benefits for the aged (January budget proposal replaced by a trust fund proposal).....	25	—25	
Other housing proposals.....		44	44	Aid to dependent children.....		215	215
Department of Agriculture:				Effect on budget of proposed liberalization of old-age, survivors, and disability insurance program.....		—27	—27
Special milk program.....	94	9	103	Department of Justice: Judgeship bill.....		1	1
Sugar Act program.....	69		69	Department of Labor:			
Conservation reserve program.....	19	—19		Minimum wage legislation.....		4	4
Farm housing loans.....		40	40	Training, retraining, and increased worker mobility program.....		60	60
Forest Service.....		2	2	Post Office Department: Postal rate increases.....	—741		—741
Department of Commerce: Area redevelopment program.....	10	40	50	Department of State:			
Department of Health, Education, and Welfare:				Acquisition, operation, and maintenance of buildings abroad.....	12	7	19
Education:				Payment of Philippine war damage claims.....	49		49
Aid to federally impacted school districts.....	60	—5	55	Treasury Department: Internal Revenue Service (social security numbers for taxpayers' accounts).....		7	7
Promotion and further development of vocational education.....	4		4	Total.....	467	1,568	2,035

¹ Revised from \$843,000,000 to take account of administrative and other actions since January which require a smaller legislative increase in postal rates.

Thus, we find that the present administration has taken the Eisenhower budget of January 16, 1961, made only token gestures to cut back any of the budgetary recommendations contained therein, and has built thereon a new maze of Government programs involving the expenditure of added billions in deficit financing to feed the fires of inflation and to burden the coming generation of taxpayers with our obligations. Involved in this budgetary transition is more than a question of dollars, as grave and serious as that question may be. There are also involved basic questions of fiscal policy and budgetary philosophy that have far-reaching implications for the relationships between our citizens and their governments and for the strength and character of our free enterprise system. There exists a dangerous trend toward greater reliance on public expenditures compared with private expenditures and on Federal intervention than on State and local action in meeting so-called essential needs. This tendency toward bigger Central Government as the solution to all problems may serve to impair our national strength at a time when world conditions demand of us maximum accomplishment. As we evaluate what we expect of government, we must remember that the cost of Government is inescapably computed as a price in terms of deprivation of liberty. We must inquire of ourselves as to whether or not what is proposed in spending is in the national interest. Congress is not obligated to accept blindly the budgetary recommendations of the administration; instead Congress is obligated to exercise a carefully considered judgment as to priorities of programs and as to what is best for our country.

The signatories to these separate views are not unanimous as to whether or not the bill, H.R. 7677, should be approved but we are united in asserting that the passage of the administration's request for a debt limit increase of \$13 billion cannot be construed as a commitment of approval of the spending proposals of the Kennedy administration. We are also united in the conviction that the administration must immediately address itself to the urgent task of bringing order to our fiscal affairs instead of creating problems and then vastly compounding them by massive spending programs that cause an alarming state of fiscal affairs.

NOAH M. MASON.
JOHN W. BYRNES.
HOWARD H. BAKER.
THOMAS B. CURTIS.
VICTOR A. KNOX.
JAMES B. UTT.
JACKSON E. BETTS.
BRUCE ALGER.
STEVEN B. DEROUNIAN.
HERMAN T. SCHNEEBELI.

WATERSHED PROGRAM

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a table.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Speaker, I am taking this time to call to the attention

of the House H.R. 5513, pending before the House Committee on Agriculture, supplementing the present watershed program. The proposal that I introduced is a supplement to the present watershed law. As I understand, H.R. 5513 meets the approval of the Secretary of Agriculture and is before the Budget Bureau for comment.

The Secretary, under the bill that I introduced, would be required to determine that the area has undeveloped natural resources which will provide a basis through development, protection, and utilization, for a permanently improved economic status within the area. The Secretary would also have to find that the area ranked among the highest 20 percent of all such areas in the Nation in low-income families and in the existence of substantial and persistent unemployment and underemployment.

Mr. Speaker, this legislation, or similar legislation, will be more beneficial to many of the low-income farm counties in the country than the present area redevelopment law. Practically all of the low-income farm-producing counties cannot qualify for assistance under the present watershed program. I am taking this opportunity to insert in the CONGRESSIONAL RECORD various congressional districts by number throughout the country where thousands of investigations have been made at the county

level and no projects approved in Washington for the congressional district.

I hope the Members of the House will note the chart that I am inserting in the RECORD. I am only listing the districts where investigations have actually been made and denied at the State level because of the benefit-cost ratio requirement in the present law. This does not mean by any means that projects have been approved in all the other congressional districts not enumerated below. I am only listing congressional districts where many important projects have not met the cost-benefit ratio requirement.

*Congressional
District*

State:	
Alaska.....	1
Arkansas.....	3
California.....	2, 3
Colorado.....	4
Florida.....	8
Georgia.....	2, 8
Idaho.....	1, 2
Illinois.....	23, 25
Indiana.....	8
Kansas.....	5, 6
Kentucky.....	5, 6, 7, 8
Maine.....	1, 2, 3
Maryland.....	6
Massachusetts.....	1, 2, 6
Michigan.....	9, 10, 11, 12
Minnesota.....	6, 8
Mississippi.....	6
Missouri.....	7, 8, 10
Montana.....	1, 2
Nebraska.....	4
Nevada.....	1
New Hampshire.....	1, 2
New Jersey.....	7
New York.....	28, 29, 31, 32, 33
North Carolina.....	7
Ohio.....	6, 10, 15
Oregon.....	2
Pennsylvania.....	17, 18,
	20, 21, 22, 23, 25, 26
Rhode Island.....	1, 2
South Carolina.....	2, 6, 7
South Dakota.....	2
Tennessee.....	1, 2, 3, 6
Texas.....	18, 19
Vermont.....	1
Virginia.....	6, 9
Washington.....	4, 5
West Virginia.....	1, 2, 3, 4, 5, 6
Wisconsin.....	6, 7, 8, 10
Wyoming.....	1
Puerto Rico.....	1

Mr. Speaker, in conclusion, I am hopeful that the membership of the House will support our efforts in obtaining legislation that will promote watershed programs in the low-income farm counties in the Nation.

SILVER ANNIVERSARY OF THE ROBINSON-PATMAN ACT

The SPEAKER. Under previous order of the House, the gentleman from Oklahoma [Mr. STEED] is recognized for 1 hour.

Mr. STEED. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. STEED. Mr. Speaker, today we wish to honor one of our beloved and distinguished colleagues, the gentleman from Texas [Mr. PATMAN], and pay tribute to a notable product of his labors,

the Robinson-Patman Act. That act was signed into law by President Roosevelt on June 19, 1936. On this, the silver anniversary of the act, we desire not only to commemorate this anniversary of the approval of the law, but also, we wish to pay high tribute to the gentleman from Texas [Mr. PATMAN] who, as the champion of small business and of others who seek equality of opportunity, understood and endeavored to help them in solving their problems.

We who have served in the Congress with the gentleman from Texas [Mr. PATMAN] know quite well that he was not content to rest upon his laurels when he secured approval of the Robinson-Patman Act 25 years ago. He has continued his efforts to secure an equal opportunity for small businessmen and other deserving Americans and today he still stands in the forefront of this battle. Certainly all who know him will be quick to acknowledge that his friends admire him and those who oppose him respect him. For one thing, he is respected for his untiring efforts. Let no one underestimate the true meaning of those words. He expects untiring efforts from us who are his colleagues. We have reason to believe that he is disappointed that our efforts do not match his, although under his prodding we have tried.

References to an example or two of our attempts to keep up with the gentleman from Texas [Mr. PATMAN] in his fight for the interests of small business perhaps would be of interest to you. They will serve to indicate what I mean when I say his efforts are untiring. Back in December 1957, he directed that hearings be held by a special subcommittee of the House Small Business Committee on certain small business problems in Dallas, Tex. That was in the period between Christmas and New Year's. I was in Miami and had settled down in anticipation of seeing a great Oklahoma team play in a great Orange Bowl game on New Year's Day. Soon I found myself sitting with the gentleman from Texas [Mr. PATMAN] in Small Business Committee hearings in Dallas, Tex. Those hearings continued into New Year's eve. It is believed that those hearings proved of benefit to small business and the public interest. However, I can assure you that for my part it required some effort. The gentleman from Texas [Mr. PATMAN] did not seem to mind. Let me refer to another example. Last Monday at this hour, at the gentleman from Texas' [Mr. PATMAN] direction, I was down near the Mexican border presiding over a hearing before a special subcommittee of the Small Business Committee. On that occasion we were endeavoring to ascertain why the price of tomatoes to growers had dropped to levels at less than 2 cents per pound, with disastrous consequences to the growers and small business firms engaged in the distribution of that product. Before the hearing ended last Monday night at 7:30, we had heard testimony and received other evidence from 25 witnesses. These references will serve to illustrate the gentleman from Texas' [Mr. PATMAN] interest in equality of opportunity for small businessmen and others.

Ten years ago, on the 15th anniversary of the Robinson-Patman Act, members of the House Small Business Committee addressed the House and paid tribute to the gentleman from Texas, WRIGHT PATMAN, and the Robinson-Patman Act. They paid tribute to him as the champion of the cause of free competitive enterprise throughout his distinguished career in the House.

On December 27, 1960, the House Small Business Committee of the 86th Congress, submitted its final report as House Report No. 2235. Chapter V of that report is devoted to the silver anniversary of the Robinson-Patman Act. The following statements are quoted from that chapter:

It is likely that before a report can be made to the House in the 87th Congress about the Robinson-Patman Act, the 25th anniversary of that law will have passed. Therefore, advantage is taken of this opportunity to make a brief reference to the Robinson-Patman Act in commemoration of it as the "Magna Carta" for small business. The members of the Select Committee on Small Business of the House of Representatives in the 86th Congress also wish to take advantage of this opportunity to salute Hon. WRIGHT PATMAN, one of the authors of the Robinson-Patman Act, for his work on that law in the interests of small business.

House Report No. 2287 of the 74th Congress, in reporting on the Patman bill (H.R. 8442), explained that the purpose of the proposed legislation was to restore, as far as possible, equality of opportunity in business by strengthening the antitrust laws, and by protecting trade and commerce against unfair trade practices and unlawful price discrimination, and also against restraint and monopoly for the better protection of consumers, workers, and independent producers, manufacturers, merchants, and other businessmen.

To accomplish those objectives, the Robinson and Patman bills, as passed by Congress, amended and strengthened the Clayton Act.

The records clearly show that Congress understood what the problem was, what it was doing to meet it, and that it believed the public interest required the enactment of the Clayton Act and the Robinson-Patman Act.

The Patman bill passed the House with only 16 votes recorded against it. There were no recorded votes against the legislation in the Senate.

In its current, stepped-up activity to enforce the Robinson-Patman Act, the Federal Trade Commission has appealed to businessmen throughout the country to operate in such manner that the task of the Commission will be facilitated. The trade press has seen fit to join in this appeal. As recently as October 24, 1960, the Food Field Reporter, a highly respected and widely read newspaper for the food industry, lent its voice to this appeal, and in a full-page editorial explained that it was doing so "because Robinson-Patman is an act which must be supported for the benefit of the entire food industry."

In a recent public statement, the Chairman of the Federal Trade Commission, in discussing the Robinson-Patman Act said:

"I think it is fair to say that two of its primary objectives were and are (1) to prevent unscrupulous buyers from abusing their economic power by extracting favorable prices which are not granted to others less powerful, and (2) to prevent unscrupulous suppliers from attempting to gain an unfair advantage over their competitors by discriminating among competing buyers."

Quite recently one of the most caustic critics of the Robinson-Patman Act wrote a book about "The Price Discrimination Law," in which he paid a compliment to the Robinson-Patman Act in the following language:

"There is strong reason to believe that the statute has afforded effective protection against the price-cutting activities of predatory would-be monopolists and that it has substantially reduced the discriminatory advantages in price enjoyed by large buyers."

These things being said about the Robinson-Patman Act as its silver anniversary approaches do not rise to the height of those said by its supporters and friends about it as the years have gone by, but these things tend to confirm what the friends and supporters of the Robinson-Patman Act have said about it through the years.

On the 15th anniversary of the Robinson-Patman Act, June 19, 1951, the members of the Select Committee on Small Business of the House of Representatives addressed the House in commemoration of the Robinson-Patman Act as the "Magna Carta" of small independent business, and noted that it had stood the test of time in living up to that designation. On that occasion, the members of the Small Business Committee who addressed the House about the Robinson-Patman Act included Hon. Charles L. Deane, of North Carolina; Hon. William S. Hill, of Colorado; Hon. Abraham J. Multer, of New York; Hon. R. Walter Riehlman, of New York; Hon. Clinton D. McKinnon, of California; and Hon. Mike Mansfield, of Montana (now U.S. Senator).

Hon. R. WALTER RIEHLMAN, of New York, perhaps can be said to have summed up what other Members said about the Robinson-Patman Act on that occasion when he referred to it in the following words:

"When it became apparent that the destructive forces of unfair competition would wipe out our system of competitive enterprise, if not further curbed, the Congress passed the Robinson-Patman Act to insure to small businessmen an opportunity to operate on a basis of equality with their larger competitors. This act was not designed as a means of protecting so-called weak-sister enterprises which fell by the wayside under normal conditions; nor has it had that effect. It was a means of codifying into law the principles of fair play which have made the free, competitive enterprise system of these United States the foundation of democracy."

The members of the Select Committee on Small Business, U.S. House of Representatives, in the 86th Congress, after reviewing the 25-year history of the Robinson-Patman Act, conclude that throughout its history the Robinson-Patman Act has served the interests of small business and that it continues as the means of codifying in the law the principles of fair play which have made the competitive private enterprise system of these United States one of the foundations of a real democracy.

The Robinson-Patman Act was directed against unfair and discriminatory pricing practices. These destructive discriminatory pricing practices have destroyed the businesses of Democrats and Republicans alike. These practices have been bipartisan. Consequently, there has been bipartisan recognition of the need for laws such as the Robinson-Patman Act to combat destructive pricing practices. For example, on October 16, 1952, when General Eisenhower was a candidate for the Presidency, he stated:

Our laws against unfair and destructive pricing practices as well as other practices leading to monopoly must be fearlessly, impartially and energetically maintained and enforced.

I am for such necessary rules for fairplay because they preserve and strengthen free and fair competition, as opposed to monopolies which mean the end of competition.

On April 7, 1961, the Honorable Lee Loevinger, the Assistant Attorney General of the United States, who currently heads the Antitrust Division of the Department of Justice, addressed the antitrust section of the American Bar Association in Washington, D.C. On that occasion, he paid high tribute to our Federal legislation directed against destructive and discriminatory pricing. He emphasized that these laws, such as the Robinson-Patman Act, are necessary, and, to use his words "are quite consistent with free and vigorous competition in a civilized society."

On November 4, 1960, President Kennedy—then a candidate for the Presidency—in writing to representatives of small business firms with reference to our antitrust laws, which, of course, include the Robinson-Patman Act, made clear that he is opposed to trade practices carried on according to the laws of the jungle. He said that we need to take effective steps of strengthening our historic policy of preventing monopoly and providing a business climate favorable to growth and prosperity of small and independent business.

On August 30, 1960, in the course of a session of the American Bar Association antitrust section regarding the role of the Robinson-Patman Act in the antitrust scheme of things, the Honorable Earl W. Kintner—then Chairman of the Federal Trade Commission—in addressing several hundred of the leading members of the American Bar Association with reference to the action by the Congress in passing the Robinson-Patman Act, said it was necessary to keep competition in distribution clear of abuses of economic power. On October 10, 1960, he addressed the grocery manufacturers representatives in New York City. The theme of his address was "What the Robinson-Patman Requirements Mean to You." In that connection, he said:

By aggressive but fair affirmative action to enforce the existing laws against discriminatory pricing and discriminatory promotional allowances the Federal Trade Commission can strengthen the hand of those who already wish to avoid unfair special deals and would prefer only a fair opportunity for their products to compete on the merits.

Today, the Honorable Paul Rand Dixon, the present Chairman of the Federal Trade Commission, addressed the midyear meeting of the Grocery Manufacturers of America, Inc. He spoke about our laws designed to promote a free and competitive economy. In that connection, he said:

As I have said, the function of the Federal Trade Commission is to help industry grow within the framework of our competitive economic system. The Commission does this, primarily, by enforcing several statutes, principally the Federal Trade Commission Act and the Clayton Antitrust Act, as amended by the Robinson-Patman Act.

Because today, June 19, 1961, is the 25th anniversary of the passage of the Robinson-Patman Act on June 19, 1936, I should like to

believe that your regard for this statute is so high that you deliberately planned this meeting on its birthday to accord it the praise which it so richly deserves.

In any event, I salute the Robinson-Patman Act, wish it many happy returns of the day, and pledge myself to do all that I lawfully can to assist it in becoming what it was designed to be—the charter of freedom for businessmen, both large and small, to operate in a competitive economy.

Mr. Speaker, at this point under leave to extend my remarks I include a number of letters which have been received within the last few days from representatives of many thousands of small business firms. These letters emphasize that small businessmen consider it a high privilege to have the RECORD show on this occasion that they consider the Robinson-Patman Act the Magna Carta of small and independent business, and that it has stood the test of time as one of the greatest safeguards of our free and competitive private enterprise system. The letters to which I have made reference are as follows:

SMALLER BUSINESS ASSOCIATION
OF NEW ENGLAND, INC.,
Boston, Mass., June 15, 1961.

HON. TOM STEED,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN STEED: The 25th anniversary of the Robinson-Patman Act brings to vivid recollection the unwavering battle fought for its enactment with our fine knight in armor as a leader, WRIGHT PATMAN.

The act over the years has prevented a tremendous volume of depredations on the part of the more powerful companies aimed at destroying annoying competitors. We think it is extremely important to remind Congress of the 25th anniversary of the act, so that it will lead other Congressmen to back measures for the conservation of the health and growth of small business in our economy.

The general public, unfortunately, does not realize that there are men in Congress ready to fight to the death to see that small business gets its fair shake in the issues in which it is involved. I think it is particularly gratifying that you who have fought so well in this cause will be one of the spokesmen to call attention to this great measure in the Congress of the United States.

With best wishes, I am,

Sincerely yours,

JOSEPH D. NOONAN,
Executive Vice President.

NATIONAL TIRE DEALERS & RETREADERS ASSOCIATION, INC.,
Washington, D.C., June 14, 1961.

HON. TOM STEED,
Congressman, State of Oklahoma,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. STEED: Small business makes up a formidable portion of all of American business. Yet because of its very nature it passes unnoticed and because of its multiple aspects, its casualties pass unrecognized.

However, 25 years ago, a man with vision saw this problem and in a fashion typical of him did something about it. This June 19, we tire dealers are grateful for the chance to salute the Honorable WRIGHT PATMAN and pay tribute to his works. His sincerity and keen understanding, his wisdom and his energy have insured opportunity for many thousands in business today.

Sincerely yours,

NATIONAL TIRE DEALERS AND
RETREADERS ASSOCIATION, INC.,
W. W. MARSH, Executive Secretary.

AMERICAN ASSOCIATION OF
SMALL BUSINESS,
New Orleans, La., June 13, 1961.

Hon. TOM STEED,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN STEED: Monday, June 19, 1961, will represent the 25th anniversary of the signing of the Robinson-Patman Act by President Franklin D. Roosevelt.

This bill was finally enacted into law because, in great measure, of the diligent and dedicated statesmanship on the part of the Honorable WRIGHT PATMAN.

Thousands of small businesses, independent proprietors, and ultimate consumers have benefited over the years because of the legislative acumen of Congressman WRIGHT PATMAN. Millions of our citizens give thanks this day for the great good that he has wrought.

The American Association of Small Business, Inc., was organized in 1941, and since those days we have enjoyed the friendship and cooperative counsel of the Honorable WRIGHT PATMAN. As early as November 1942, members of the American Association of Small Business, Inc., participated in hearings conducted by the House Small Business Committee here in New Orleans, presided over by Congressman PATMAN. This organization has also participated in many hearings, and supported legislative action sponsored by Congressman PATMAN.

In all of our transactions I have found Congressman PATMAN, the members of his immediate staff, and those of the Select Committee on Small Business of the House of Representatives to be most kind, considerate, and most helpful.

I am happy to have this opportunity to congratulate the Honorable WRIGHT PATMAN on his many legislative achievements and especially because of the passage of the Robinson-Patman Act. I hope you will express my sentiments to Congressman PATMAN, for I wish him many more years of health, happiness, and success in the great field of endeavor in the interest of over 4,500,000 small businesses in our Nation. In the meantime, I send you and yours every good wish, and I look forward to the pleasure of seeing you soon.

Yours for keeping small business in business, and

Very sincerely,

J. D. HENDERSON,
National Managing Director.

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Burlingame, Calif., June 12, 1961.

Hon. TOM STEED,
House Office Building,
Washington, D.C.

MY DEAR CONGRESSMAN STEED: It is my understanding that on June 19 it will be the 25th anniversary of the signing of the Robinson-Patman Act. It is hard to believe that a quarter of a century has passed, and that the basic principles of the law are as well known today in the minds of small business as they were the day it was signed by the President a quarter of a century ago.

It so happens that at that time I was secretary-general manager of the reorganized National Association of Independent Tire Dealers, the present organization, which was incorporated a few months before, to be exact, in January 1936.

At that time, struggling to put new life in the tire dealers association, I became acquainted with the coauthor of the act, Congressman PATMAN, and Mr. John Dargavel of the National Association of Retail Drugists—also Mr. Roland Jones of the same group, and through them I was invited to participate in arranging for a gathering that took place early in March at Constitution Hall.

I was privileged to be on the platform to address that group, in conjunction with others, and also the late Senator Robinson, of Arkansas, also coauthor of the act.

The outcome of this tremendous mass meeting in Constitution Hall was that on March 6, 1936, we had the honor and privilege to confer with the President of the United States at which time we urged the President, if and when the legislation was approved by the Congress, to affix his signature to the bill, which he did.

In the industry I was connected with at that time I stated that the "Magna Carta" for small business had actually arrived—that they would find themselves in a profitable position in our overall economy.

Shortly after the enactment of the act, there were in existence two major contracts in the rubber tire industry—one with possibly the largest mail order house in the Nation—and that contract was canceled by the rubber company, stating that they couldn't justify the price under the new law. A short time later similar action was taken by another major rubber company canceling its tire arrangements with a leading petroleum company.

What a healthy inspiration to small business in that industry that their day had at last arrived.

However, as time marched on we faced disappointments in discouragement—not as to the law itself but as to the interpretations put on the law by certain Federal courts, and then again by the failure of vigorous enforcement of the law by the Agency. In other words, this condition brought about, in reality, disregard for and nullification of the law in the minds of many large factors.

We hold to the original premise, and we see it more today in our daily action with small business throughout the Nation (I am talking about the membership in the National Federation of Independent Business—all independent business and professional men in the 50 States—not groups—numbering 169,580) and that is that the bulk of the complaints received from members is as to the continual price discrimination from their source of supply, which, in itself, substantiates the failure of industry to pay heed to this law, and more important, to the enforcing agency who should stop, look, and listen, and enforce what the law originally provides for.

If such action is instituted by this administration and succeeding administrations the Robinson-Patman Act can go a long way to protect the future business life of efficient independent business, both at the production and distribution levels, and through this enforcement it will create and continue consistent employment in all branches of our economy.

Of course congratulations are in order to Congressman PATMAN, in the first instance as being coauthor of this major piece of legislation.

Sincerely,

GEORGE J. BURGER,
Vice President.

NATIONAL ASSOCIATION OF RETAIL
GROCERS OF THE UNITED STATES,
Chicago, Ill., June 9, 1961.

Hon. TOM STEED,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN STEED: In commemoration of the 25th anniversary of the enactment of the Robinson-Patman Act, the National Association of Retail Grocers of the United States salutes the economic progress achieved by this law.

Dedicated to the proposition that equality of opportunity in the marketplace is essential in a democracy, this law has helped to strengthen our competitive enterprise system

and preserve the political and economic freedom we enjoy.

Community food retailers regard this statute as the Magna Carta of independent distributors. It is a charter of rights in distribution, preserving for all an equal chance to serve the consumer more efficiently.

At this time, we also salute the Honorable WRIGHT PATMAN, father of the act. Congressman PATMAN and the law which bears his name are closely associated together. Through his untiring efforts, this act has been preserved over the past 25 years. Its success in large measure is due to his energetic support.

In addition, we salute the many Senators and Congressmen, such as yourself, who have continuously protected this law and sought to make it more effective.

Lastly, we commend the members and staff of the Federal Trade Commission for their efforts in administering and enforcing the statute.

All of these combined efforts have made this law a strong force for economic justice.

Respectfully submitted,

HENRY BISON, JR.,
General Counsel.

NATIONAL FOOD BROKERS ASSOCIATION,
Washington, D.C., June 12, 1961.

Hon. TOM STEED,
House of Representatives
Washington, D.C.

DEAR CONGRESSMAN STEED: I understand that you and several other leading Congressmen plan to observe the 25th anniversary of the Robinson-Patman Act on the floor of the House Monday, June 19. Coming from Oklahoma the same as you, I am proud to note your participation in this momentous event.

I say this because the Robinson-Patman Act has made a major contribution to the freedom of the American competitive system in general and to the food industry in particular. It acts as a stabilizing force by preventing vicious practices which would otherwise destroy, in time, both competition and many of the individual competitors who are the components of any competitive system.

It is therefore most fitting that the Congress observe, on the 25th anniversary of this act, the significance of this legislation and pay tribute to the wise legislators who developed this outstanding law.

You will probably recall the tragic conditions that existed in the food industry down in Oklahoma prior to the passage of this law. It was the same situation throughout the Nation. Unfair price discriminations were rampant. There was great unrest on the part of businessmen.

The Robinson-Patman Act has had remarkable success. I am sure you will agree that today there are many fine, progressive merchants who would not be in business had it not been for this law. Not only merchants but the general public has profited. This law has had a powerful effect on suppressing unfair methods of competition which serve to restrain the competitive race.

This anniversary cannot be complete without a tremendous tribute to the father of this law who continues his fearless fight for good government in the Congress today. The Honorable WRIGHT PATMAN, of Texas, had the foresight then to draft a bill of real merit. His bill has withstood many tests through the years. Today this law is even more vital than when it was originally passed.

We should pay tribute too to you, and other able lawmakers who have through the years recognized the value of such antitrust legislation. You have fought to preserve this law and even to strengthen it.

So this is an occasion for celebration on many counts.

Though this is a happy occasion it reminds one also of the tragic circumstances that were narrowly avoided. One cannot but think of the serious situation that would have resulted had this law not been enacted. How fearful this would have been for so many businessmen. This anniversary is therefore more than just an occasion for celebration. It is an occasion for thanksgiving.

As we start another quarter century under the Robinson-Patman Act we look forward to continued effort to maintain equality of opportunity in business. We look forward to the continued opportunity for success in business of all who have the know-how, the ambition, and the desire to make hard work and tireless efforts their helpmates.

Sincerely yours,

WATSON ROGERS, President.

NATIONAL INDEPENDENT
DAIRIES ASSOCIATION,
Washington, D.C., June 9, 1961.

HON. TOM STEED,
House of Representatives, U.S. Congress,
Washington, D.C.

MY DEAR CONGRESSMAN: June 19, 1961, will be the 25th anniversary of the enactment of the Robinson-Patman Act.

Knowing you to be a colleague of long standing of the Honorable WRIGHT PATMAN, a coauthor of the act, and one who has worked closely with him on the House Select Committee on Small Business, I address the following comments to you with the hope that you will bring them to the attention of your and his colleagues in the Congress of the United States.

The Robinson-Patman Act is an integral part of the all-important antitrust laws of our Nation. Its enactment provided Federal enforcement agencies with a valuable weapon with which to combat unfair and destructive trade practices. Many small- and medium-size-business concerns, now in the marketplace, would have long since disappeared from the business scene had it not been for this important amendment to the Clayton Act.

In coauthoring and successfully leading the fight for the enactment of this vital statute, Representative PATMAN made a signal contribution to the preservation of our free and competitive enterprise system and our way of life.

At its fourth annual meeting, April 11, 1961, the National Independent Dairies Association presented to Representative PATMAN a testimonial of appreciation—"In recognition of his distinguished service, outstanding achievements, and tireless efforts in championing the cause of small business to preserve and improve the American competitive free enterprise system."

We take genuine pleasure in saluting this great American, the Honorable WRIGHT PATMAN. The fine people of the First Congressional District of Texas are unusually fortunate in having him as their representative.

Sincerely,

D. C. DANIEL.

NATIONAL CONGRESS OF
PETROLEUM RETAILERS, INC.,
Detroit, Mich., June 14, 1961.

HON. TOM STEED,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE STEED: In commemoration of the 25th anniversary of the enactment of the Robinson-Patman Act, the Nation's service station operators and gasoline retailers represented by our national organization ask that you express to the Congress of the United States the reaffirmance of our support for the principles and legislative objectives embodied in the Robinson-Patman Act and our unfaltering loyalty to the ideals of free and fair competition of which this act is an indispensable safeguard.

We service station operators know from the experience of our own industry that preservation of small business and our free competitive system would have been impossible during the past quarter century, and would be impossible today and in the years ahead, without the protection afforded by the Robinson-Patman Act for essential conditions of fair competition.

Overwhelming evidence from the oil industry has been accumulating for nearly 100 years to show the appalling effects of price discrimination in destroying free competition and in leading to monopoly. As shown in the record of the Government's case against the Standard Oil trust (*U.S. v. Standard Oil Company*, 173 Fed. 177, modified and affirmed, *Standard Oil Company v. U.S.*, 221 U.S. 1), during the years 1870 to 1882 the Standard Oil trust used rebates, preferences, and other price discrimination practices as primary instruments of acquiring approximately 90 percent control of the entire industry.

With the adoption of the Robinson-Patman Act, the free enterprise principles of fair and equal opportunity for those engaged in productive activities, trade, and commerce to purchase the goods essential to their competition at proportionately fair and equal prices, and the means for protecting these basic business rights, were spelled out in sound legal and legislative terms.

To be sure, not all of those against whom its sanctions are directed have obeyed its spirit or its provisions. Its enactment did not cause them to abandon every misuse of concentrated wealth by which they had previously controlled or impoverished the businesses of others. There have been evasions, erosions, shocking violations, and protracted delays in seeing the act's provisions fully enforced.

Yet none of these discouragements, erosions, or violations, however numerous, however serious in themselves, has detracted one iota from the soundness of the principles of the Robinson-Patman Act. They have, in fact, only emphasized the need for strengthening these principles and for steady perseverance both in enforcing the law and in supporting its purposes.

The ideals of the Robinson-Patman Act are precious and, in fact, indispensable to our way of life. It is not only proper but a solemn responsibility for us to affirm and reaffirm our faith in these ideals, and to work harder than ever before for their realization.

Though we are a small business trade association, this is not a small business issue alone, but an issue in which the rights of all our citizens and the future of our Nation are bound together.

We honor those whose foresight gave us the Robinson-Patman Act and those who have defended its principles through the years by working and continuing to work for realization of these principles in the economic life of our Nation.

Sincerely yours,

THE NATIONAL CONGRESS OF
PETROLEUM RETAILERS,
CASH B. HAWLEY, President.
JOHN W. NEULINGER,
Executive Secretary.
WILLIAM D. SNOW,
General Counsel.

WASHINGTON, D.C., June 19, 1961.

HON. TOM STEED,
U.S. House of Representatives,
Washington, D.C.

On the occasion of the 25th anniversary of the Robinson-Patman Act, we would like to join with the many friends of this legislation in tribute to the authors of the act, and especially to the Honorable WRIGHT PATMAN who has been so diligent in guarding the act from weakening amendments. We can testify to the great value this amendment to the Clayton Act has been to

our industry, consisting of over 5,000 independent distributors of confectionery, tobaccos, and related products. We believe that this act has stood the test of time and has come to be accepted by businessmen everywhere as important to their survival and the preservation of our free enterprise system.

C. M. McMILLAN,

Executive Secretary, National Candy
Wholesaler's Association, Inc.

PHILADELPHIA, Pa., June 19, 1961.

HON. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

Congratulations and good wishes on this 25th anniversary of the Robinson-Patman Act. Our 62d annual convention has just adopted a resolution of commendation in honor of your outstanding public service and for your heroic efforts in bringing about the enactment of this important law. We salute you on this the birthday of a great law the existence of which is a true measure of your greatness.

SCOTT DETRICK,

President, National Association of Retail Grocers.

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., June 19, 1961.

HON. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PATMAN: I want to join your many other friends and admirers in expressing warm congratulations on this the 25th anniversary of the Robinson-Patman act.

Few, if any, events have been as significant for small business as is this measure. Your efforts on this act and on many other measures have indebted the entire small business community to you.

We all admire and honor you today and hope that you enjoy many more years of good health and vigorous leadership.

With kind personal regards, I am,

Sincerely,

JOHN E. HORNE,
Administrator.

Mr. Speaker, a number of our colleagues who are members of the House Small Business Committee, due to other commitments, are unable to be on the floor at this time. They were prepared to speak on this subject here today. Therefore, they have asked that their statements to the House be received under this special order at this time. I so request on behalf of the gentleman from Tennessee [Mr. EVINS], the gentleman from New York [Mr. MULTER], the gentleman from Illinois [Mr. YATES], and the gentleman from California [Mr. ROOSEVELT].

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

(The statements referred to follow:)

Mr. EVINS. Mr. Speaker, I should like to join with my colleagues in paying a tribute to our esteemed friend and colleague, the gentleman from Texas, WRIGHT PATMAN. We who have known and served with our esteemed Congressman PATMAN want to take advantage of the 25th anniversary of the passing of the Robinson-Patman Act to take note of his distinguished legislative career and service.

Today marks the 25th anniversary of the enactment into law of an important legislative proposal which our colleague and friend, the gentleman from Texas,

Congressman PATMAN, authored along with the late Senator Joseph T. Robinson, of Arkansas. I refer to the Robinson-Patman Act as an amendment to the Clayton antitrust law.

The gentleman from Texas, Congressman PATMAN has served continuously in the Congress since his election in 1928 and has achieved widespread recognition as the Nation's No. 1 champion of small business. His name is well known throughout the United States. His reputation as a legislator has been notably connected with his authorship of the Robinson-Patman Act, as well as other great legislative measures. Indeed Congressman PATMAN's contributions to the passage of legislation are legion and embrace many fields. Today, however, is the 25th anniversary of the passage of the Robinson-Patman Act, which is one of the most important laws on our statute books.

At the time WRIGHT PATMAN introduced this legislation the Clayton Act seemingly prohibited price discrimination. However, the Clayton Act did not prohibit monopolistic price discrimination. Competing customers could be charged entirely different prices if the quantities ordered differed only slightly. Advertising allowances, special services, secret gratuities and discounts, free goods, split brokerage, and many other forms of discriminatory treatment were practiced without fear of being in violation of the old law. Some of our big business concerns exploited ruthlessly the gaping holes in that antitrust law in order to further entrench themselves in their position of economic domination. Discriminatory prices aimed squarely at capturing market after market were the order of the day. The locally owned, hometown small business enterprise was a frequent helpless victim.

In 1935 WRIGHT PATMAN conducted a searching investigation which brought to light the seriousness of the situation then prevailing. In his report to the House, the facts became a matter of record—the weakened competitive status of small business was documented—the need for legislation demonstrated. As a result, there was enacted the Robinson-Patman Act which President Roosevelt signed 25 years ago today.

The Robinson-Patman Act has, over the years, served to promote fair competition and stands today as a barrier to ruthless, monopoly making price cutting. It requires businessmen to deal equitably with competitors—to show no favoritism—to sell honestly and fairly.

The Robinson-Patman Act has outlawed destructive, competitive merchandising methods and conferred benefits upon all businesses—both big and small. None today seeks its repeal.

Informed antitrust attorneys recognize its achievements.

It has stood the test of time.

It is in the public interest.

This law—the Robinson-Patman Act—constitutes a living memorial to our colleague, the distinguished chairman of the House Select Committee on Small Business, Hon. WRIGHT PATMAN—an outstanding Member of Congress and a great statesman.

As one who has served as a member of the Select Committee on Small Business for a number of years and been closely associated with Congressman PATMAN, I want to say in a personal way that there is no Member of the House who is more fully entitled to receive tributes of recognition of his great public service than our genial friend, the gentleman from Texas [Mr. PATMAN], whose service in the Congress has been distinguished by his dedication and devotion to the promoting of our free enterprise system.

Mr. MULTER. Mr. Speaker, the 25th anniversary of the enactment of the Robinson-Patman Act is an occasion worthy of special notice and it is a pleasure to join with my colleagues in paying tribute to its author, that great statesman and distinguished Member of Congress, our esteemed colleague, the Honorable WRIGHT PATMAN.

The Robinson-Patman Act has become one of the most valuable of all the antitrust laws that Congress ever placed on the statute books. It has earned fully its characterization as the Magna Carta of small business. As we all know, its passage resulted largely from the valiant efforts of WRIGHT PATMAN, the chairman of the House Small Business Committee, who has championed the cause of small business ever since the day he was elected to the U.S. House of Representatives in 1928.

Congress long ago proclaimed its determination to protect small business and to curb monopoly in this country. It passed the Sherman Act in 1890. It passed the Federal Trade Commission Act and the Clayton Act in 1914. Although the intent of Congress in passing the Clayton Act became largely dissipated due to imperfections in its language and subsequent interpretations by the courts, it was only a short time later that WRIGHT PATMAN, sensing the seriousness of the threats to small business, conducted a comprehensive investigation which showed the need for legislation correcting, amending, and strengthening the Clayton Act. He introduced a bill, which became the Robinson-Patman Act, and it was this bill that converted the Clayton Act from a crippled, misinterpreted legislative enactment into a pillar of strength for small business.

Throughout the history of the Robinson-Patman Act, the independent businessmen of the Nation—the druggists, the retail grocers, the independent tire dealers, and many others—have been its strongest supporters. They know that the act has given them a fair opportunity to exist. They have resisted every effort to weaken or destroy it. Throughout the history of the act, its opponents have been those forces which represent the concentration of economic power in the Nation. These forces are attempting to destroy the act. Their efforts are proof that the Robinson-Patman Act still is a vital force in promoting competition and in preventing further concentration of economic power.

Some prominent attorneys specializing in antitrust practice have sought to emasculate the act, but their efforts along this line have met with little suc-

cess. The Honorable Earl W. Kintner, former Chairman of the Federal Trade Commission, just recently addressed the members of the Antitrust Section of the American Bar Association. He told these aristocrats of the legal profession that the Robinson-Patman Act is necessary to keep competition clear of abuses of economic power. He warned them that the requirements of the statute were well known and clear cut; that instead of encouraging disrespect for the law, they had best begin to advise their clients how to comply.

Our colleague, WRIGHT PATMAN, author of the law and who also contributed so importantly to its enactment, has earned in full the plaudits, the commendations, and the recognition being awarded him today.

So long as WRIGHT PATMAN continues to devote his great abilities to the service of the people, independent business and the consumer will never lack a champion. I know that every Member joins me in honoring him on this occasion.

Mr. YATES. Mr. Speaker, on a number of occasions since the enactment of the Sherman Act 70 years ago, the Members of the Congress have demonstrated their determination to preserve the free enterprise system of which we are so proud. One of these occasions occurred 25 years ago at which time the Congress voted, in overwhelming numbers, to pass the Robinson-Patman Act, a law that has proven to be of great importance to our economy and which has contributed mightily to the preservation of small business enterprise. It is, therefore, altogether fitting and proper that we commemorate this, the 25th anniversary of the enactment of that law and to pay tribute to the gentleman primarily responsible for its passage. That gentleman, of course, is our distinguished colleague, the Honorable WRIGHT PATMAN.

In reviewing briefly our antitrust statutes, we see that the Sherman Act clearly prohibits price fixing, boycotts, and other types of conspiracies in restraint of trade. It outlawed monopoly, but, unfortunately, did not outlaw those practices which lead toward monopoly. It did not supply complete protection against the growth of monopoly, and for this reason the Congress, in 1914, passed the Clayton Act. This law was intended to prohibit certain corporate mergers and injurious price discriminations but, due to imperfect language, the act failed to accomplish that which Congress had intended.

The need for remedial legislation became more and more obvious as time passed. Congressman PATMAN introduced a bill to amend and clarify the Clayton Act. The late Senator Robinson, of Arkansas, then majority leader, introduced a similar bill in the Senate a few weeks later. Twenty-five years ago today, this bill, the Robinson-Patman Act, became law.

The bill traditionally is referred to as the Magna Carta of small business, and there are valid reasons for this.

It prohibits injurious price discriminations, secret rebates, special discounts,

and many other unfair practices that tend to create monopolies. It stipulates that all customers should be treated equitably; for instance, it requires that advertising allowances be granted not just to big customers, but to all customers on proportionally equal terms. The act removed all doubt regarding the determination of Congress to see that small business be preserved and protected.

In this connection, let me mention that as a Member of the House Small Business Committee for the past 9 years, I have often been reminded of the vital role that small business plays in our system of free enterprise. In like manner, I have often been reminded of the importance and far-reaching benefits conferred upon our economy by the provisions of the Robinson-Patman Act. The author of that law, therefore, deserves fully the tributes and the commendations being bestowed upon him today.

The gentleman from Texas has worked tirelessly and effectively for small business ever since the day that he was first elected to Congress in 1928. In 1941, he introduced the resolution that called for the creation of the House Small Business Committee and has served as the chairman of that committee ever since that date except, of course, for those infrequent interruptions when our Republican friends were in the majority.

In 1951, WRIGHT PATMAN introduced legislation that created the Small Defense Plants Administration, an agency of the Government which later became the Small Business Administration.

I could continue and talk about many other bills of importance that he has sponsored, but today we are commemorating the 25th anniversary of the enactment of his Robinson-Patman Act and paying our respect to him for the many benefits our country has received by virtue of his constant and untiring efforts in behalf of small business and in maintaining the effectiveness of our antitrust laws.

It has been a pleasure, therefore, to join with my colleagues in celebrating this occasion today and to extend to our friend and colleague, WRIGHT PATMAN, our heartiest congratulations and best wishes.

Mr. ROOSEVELT. Mr. Speaker, I am very happy to have this opportunity to pay tribute to a great American, a dedicated statesman, a keen student of our complex economy, and my personal friend, the Honorable WRIGHT PATMAN. Because of his sincere interest in democratic institutions and sensitive social conscience, WRIGHT PATMAN has been identified with many of the most significant pieces of legislation of the past 30 years. But I can think of no higher tribute than to call him the founder of the Robinson-Patman Act. And he has done much more than father an historic act. He has for 25 years nurtured its effective enforcement and interpretation. Few American statesmen have had the opportunity both to conceive a great act and to encourage its growth to maturity. His conscientious efforts to improve the act and see it adequately enforced have not always been successful and never

easy. But fortunately for America, neither have they been in vain.

The Robinson-Patman Act is appropriately referred to as the Magna Carta of small, independent business.

As chairman of Subcommittee No. 5, Small Business Problems in Food Distribution, of the House Small Business Committee, I have had the opportunity to learn at first hand the significance and value of this act to literally hundreds of thousands of small businesses in food distributing industries.

Food distribution long has been one of the strongholds of independent small businessmen. And experience has demonstrated that small businesses can survive and operate profitably if they are not forced to pay discriminatory prices for the things they buy and if they are not subjected to predatory treatment by their large rivals. But, unhappily, concentration in food distribution has proceeded to a point where large, dominant firms are in a position to exact preferential treatment from their suppliers. Such preferential treatment does not rest on social economies of large size but on sheer market power deriving from the buyers' vast absolute size and market dominance. Given these facts of life, the only thing standing between the survival and the destruction of thousands of small businesses is the Robinson-Patman Act. If any man here doubts me, I welcome him to study the record and to travel with me as I visit with small businessmen across the breadth of the land. You will find grateful men; men who have felt the discriminatory and predatory practices of vast rivals and suppliers; men who know that were it not for the Robinson-Patman Act they would be powerless to combat their more powerful adversaries.

Just who are these grateful Americans? Are they malcontents, inefficient operators, or poor managers who need a crutch to steady them against the winds of competition? Nothing could be further from the truth. These men are the backbone of America. They may be relatively small, but this does not mean that they are also inefficient. Destroy them and you will have destroyed much of the best of America. They are not pleaders for special treatment. All they ask for is fair treatment in the marketplace. And the Robinson-Patman Act is the chief assurance they will receive it.

Experience with enforcement of the Robinson-Patman Act has demonstrated to the business community the harmful results of discriminatory practices. On November 9, 1959, Mr. Earl W. Kintner, then Chairman of the Federal Trade Commission, in a speech to the Grocery Manufacturers of America, emphasized this new recognition by many American businessmen when he said, "No responsible members of the food industry advocate doing away with the law and permitting discriminations to prevail as an accepted standard for doing business." He added further, "It is encouraging to know that the great majority of you agree with Paul Willis—president of the Grocery Manufacturers Association—that compliance with the Robinson-Patman Act is good business."

Of course, the Robinson-Patman Act is not a perfect law. But then none outside the Scriptures is. WRIGHT PATMAN always has been in the forefront of those striving to increase the act's effectiveness, and he has always been equally vigorous and ready to do battle with those who would destroy its effectiveness.

Critics of vigorous antitrust policy have coined slogans to discredit the act. They have denounced it as being for soft as opposed to hard competition. But these are only Madison Avenue labels. And when those using them are forced to describe the kinds of competition they have in mind, it becomes manifestly clear that by soft competition they refer to the presence of restraints on predatory and discriminatory practices by oligopolists, whereas by hard competition they mean situations where no such restraints on behavior exist. Of course, these observers of competitive rivalry stay for only part of the competitive battle. If they were to watch it out, they would discover that once only oligopolists remain in an industry, competition becomes nonaggressive, collusive, and really soft competition becomes the order of the day. Thus those arguing against the Robinson-Patman Act in the name of hard competition, really are the unwitting handmaidens of oligopoly and monopoly; and what they label as soft competition is really a major obstacle to the emergence of oligopoly.

WRIGHT PATMAN has had the wisdom to see through this fuzzy thinking. He long ago identified this distinction when others did not. He has had the courage to do something about it when others would not.

I am certain that as long as free enterprise survives in America, economic historians will conclude that WRIGHT PATMAN played an invaluable role in making competition work.

It is indeed an honor and privilege to serve with him. And because of my friendship for him and for the good of America, I sincerely hope that WRIGHT PATMAN will serve his country for many more years.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I desire to commend my colleague on his splendid statement. It is a pleasure for me to join him and other Members of the House in commemorating the silver anniversary of the Robinson-Patman Act and to pay tribute to one of its coauthors, our distinguished colleague and friend, the gentleman from Texas [Mr. PATMAN].

Small Business has never had a better friend nor has the American system of competitive enterprise ever had a stronger advocate. The Robinson-Patman Act has been commended from every quarter for its contribution toward equality of opportunity. Indeed, it has been referred to as "the Magna Carta for small business."

An accomplishment of this magnitude, with its ramifications for the future of all American business, might have been enough for some. But not for WRIGHT

PATMAN. As chairman of the Select Committee on Small Business, he has continued his efforts to make the ideal of equal opportunity a living reality. He has worked unceasingly to protect the rights of the small businessman. At the same time, he has sought to preserve the healthy atmosphere of competition in which a small business can grow and prosper and eventually become a great enterprise.

I have never known a man who demands more of himself. Anything less than the best effort he or his associates can put forth is too little. No problem is too small nor none too big to demand his attention. No situation which smacks of injustice is too insignificant to incite his righteousness.

WRIGHT PATMAN is a leader of men and ideas. His work in the Congress has been in the highest traditions of this body. His interest is truly national without sacrificing concern for the rights and interest of the individual. He does not spare himself for he is a tireless worker. He asks no quarter and gives none for he is a man unwilling to compromise principles. He offers constructive solutions to plaguing problems for he is a man of great ability.

I am proud to call WRIGHT PATMAN my colleague. I am even prouder to call him my friend. I am proud to represent a part of the great Red River country, which he also represents. His leadership in my area of the United States is recognized far and wide, and his contribution to the great Southwest will live as a memorial to him for generations to come. He is a hard worker; a man of principle; a credit to this House and the Nation it serves. I can offer no higher tribute.

Mr. GEORGE P. MILLER. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman from California.

Mr. GEORGE P. MILLER. Mr. Speaker, as a former executive officer of the California Division of Fish and Game for a number of years I have occasion to know the intricacies of the Robinson-Patman Act. I take this occasion to point out that WRIGHT PATMAN, the coauthor of that act, performed a great service to those who want to see the wildlife of this country preserved. The Robinson-Patman Act has done more than any other thing to preserve the wildlife for future generations and to afford recreation for those who like to hunt. It is one of the most progressive pieces of conservation legislation that was ever written on the statute books. I was very happy to see it followed later by the Johnson-Dingell bill, to protect and increase fish life.

I thank the gentleman from Oklahoma for bringing this to the attention of the House. He has earned the respect and thanks of all the conservationists in honoring WRIGHT PATMAN.

Mr. HARVEY of Indiana. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield.

Mr. HARVEY of Indiana. First of all, I should like to compliment my colleague from Oklahoma for his very fine address today in which he paid tribute to the chairman of our Small Business

Committee, the distinguished gentleman from Texas [Mr. PATMAN]. It has been my pleasure throughout the years I have served in Congress to see the operation of the Robinson-Patman Act. It is only when a person has had an opportunity to study the act as to its performance in trying to bring a certain amount of equity into our business and industrial world that he really appreciates the benefit it has brought.

I compliment the gentleman from Texas for having a part in bringing this act into being, and to say it has meant a great deal through the years in promoting the general economy of the country.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I should like to join my colleagues in expressing my deep personal appreciation to the gentleman from Oklahoma, who is also a champion of small business, for taking this time to bring to the attention of the House and the entire Nation the role of the great Texan, our distinguished colleague from the Lone Star State, the Honorable WRIGHT PATMAN, in his field.

Mr. Speaker, I welcome this opportunity to join in this well-deserved tribute to a distinguished American, the Honorable WRIGHT PATMAN.

The work of this great Texan has done more to safeguard the rights of the small businessman than anything else which has happened in Washington in our century.

Congressman PATMAN has not only fought and worked tirelessly to safeguard these rights, but has also done more than any other Member of this body to see that small businessmen have a chance to obtain credit at reasonable and fair rates of interest.

Every small business in America owes an enduring debt of gratitude to this able and courageous Texas Congressman. It has been a real privilege to serve with him in the House.

Mr. TRIMBLE. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Arkansas.

Mr. TRIMBLE. Mr. Speaker, I wish to join my colleagues in tribute to the gentleman from Texas [Mr. PATMAN], chairman of the Select Committee on Small Business. Those in small business have no more devoted friend in the Congress and that devotion has been loyally manifested throughout his service in the Congress. Those of us in the Congress and small business in every part of the country are indebted to him for keeping this segment of our economy on a forward and solid path. More power to him and the committee.

Mr. STEED. I thank the gentleman.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. STEED. I am happy to yield to my colleague.

Mr. HARRIS. I am glad to join the gentleman from Oklahoma and my other colleagues in paying tribute to our distinguished friend and colleague, the

gentleman from Texas, WRIGHT PATMAN, one of the sponsors of the Robinson-Patman Act.

Mr. PATMAN and I have adjoining districts. My district in Arkansas joins his district in Texas. He lives in Texarkana, part of which city is in the State of Texas and part of which is in the State of Arkansas. We work together harmoniously in all matters affecting our areas. It is a pleasure to work with him.

Mr. PATMAN has a long record of outstanding service to small business in the United States. As chairman of the Committee on Interstate and Foreign Commerce, I have had a lot of experience with the Federal Trade Act and the administration of the Robinson-Patman Act. That act was designed for small business. It has been of tremendous value to the small business of this country and to business in general as well as the consuming public. I am glad to join with others in the Congress today on this 25th anniversary of the Robinson-Patman Act in tribute and my compliments to my friend and neighbor, WRIGHT PATMAN.

Mr. STEED. I thank the gentleman.

Mr. WICKERSHAM. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Oklahoma.

Mr. WICKERSHAM. Mr. Speaker, may I join my colleague from Oklahoma in his remarks concerning WRIGHT PATMAN. No one stands higher in the esteem of the Congress than WRIGHT PATMAN, not only because of the Robinson-Patman Act, but because of his knowledge of monetary matters, and his outstanding work as chairman of the Small Business Committee.

I desire to compliment him further on his ability to select capable employees on his staff who know how to do the job. I hope the gentleman from Oklahoma [Mr. STEED] continues his work in a similar fashion to that of the chairman. I trust that his tenure of office may be as long as the past service of Mr. PATMAN.

I sincerely wish both the gentlemen from Texas and Oklahoma a long and successful tenure in the future.

Mr. STEED. I thank the gentleman.

GENERAL LEAVE TO EXTEND

Mr. STEED. Mr. Speaker, I ask unanimous consent that all Members may have the privilege of extending their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCORMACK. Mr. Speaker, this is a memorable occasion. It is an admirable thing that our good friend, the gentleman from Oklahoma [Mr. STEED] has undertaken to commemorate the silver anniversary of the Robinson-Patman Act by paying tribute to that law and one of its authors, the Honorable WRIGHT PATMAN. It is fitting that our good friend the gentleman from Oklahoma [Mr. STEED] participate as he has in this commemoration of the Robinson-Patman Act and Mr. PATMAN, because I know of no one who has worked

more closely and devoted himself more completely to the work of the Small Business Committee, in which Mr. PATMAN is interested, than has Mr. STEED in these recent years.

Our distinguished colleague, the Honorable WRIGHT PATMAN, deserves all the tributes we are paying to him today for his great foresight and untiring effort in bringing about the enactment of the Robinson-Patman Act. Few men saw as clearly as he did and as early as he did the need for legislation of this kind as a bulwark for the preservation of our free and competitive enterprise system. Although many of us did not have that foresight to see that need as early as he did, he soon demonstrated to us that need and as a result, the Robinson-Patman Act became law with the almost unanimous approval of the Congress. As years have passed, the act and Mr. PATMAN as one of its authors, have gained more converts to the philosophy that one of the surest ways of preserving our free and competitive enterprise system is to help the small business community in its effort to survive and prosper. In that endeavor, we frequently salute the unquestioned champion of small business and its cause, the Honorable WRIGHT PATMAN, chairman of the Select Committee on Small Business of the House of Representatives of the United States.

Mr. PRICE. Mr. Speaker, I have asked the gentleman from Oklahoma to yield that I might add my voice to the well deserved tribute he is paying to our colleague, the Honorable WRIGHT PATMAN.

WRIGHT PATMAN is known throughout the land as a champion of small business and as a protector of the American free enterprise system, which he understands as well as any other man in our country. He has been courageous in his activities to eliminate the abuses in business practices which tend to destroy fair competition and thereby eventually destroy our capitalistic system, under which America has grown and prospered since its beginning.

It is fitting that we give this recognition today to one of the authors of the Robinson-Patman Act, on the silver jubilee of its enactment, June 19, 1936. Through the years, since that memorable date, WRIGHT PATMAN has continued his work in behalf of American business, ever seeking to preserve a system of free enterprise in which the keystone upon which it succeeds is fair competition.

HOUSING BILL WOULD FEED FIRES OF INFLATION

Mr. DEVINE. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

Mr. FINDLEY. Mr. Speaker, my colleagues should not overlook the inflationary dangers in the \$9 billion housing bill soon to be considered by the House.

A deficit of over \$3 billion for fiscal 1962, is already in prospect. This bill would add between \$500 and \$2 billion to

that deficit, and for that reason would feed the fires of inflation.

But that is not the biggest inflationary danger in the bill.

The bill would have the effect of adding tremendously to the U.S. money supply by making no-down-payment housing fantastically easy. In previous years the American people have seen the tremendous impact of installment credit regulations in boosting, or diminishing, money supply. For example, curbs on installment credit worked effectively in helping to avoid runaway prices during World War II.

When a banker loans money, and when a merchant extends a new line of credit, our total money supply is expanded. Prudent business management—insisting, for example, on a substantial down-payment and demonstrated ability to pay off over a reasonable period of time—ordinarily effectively curbs undue credit expansion.

When money supply gets out of hand and threatens to cause a general price rise, the Federal Reserve Board can and should use tools at its disposal to cut back the total supply. This is done by Federal Reserve Board open market operations, altering rediscount rates or reserves requirements of banks.

The new housing bill would throw away the business rule book. No down payment would be required. The American people would be invited to mortgage themselves for 40 years, well into their declining years. Interest would be at a below-cost subsidized rate.

The lure of these easy credit features would be irresistible. All taxpayers would ultimately share in the cost of this mammoth subsidy, so each would figure he must dip his own hand in the pot to stay even with his fellow Americans.

All this would add tremendously to the money supply, and consequently would add tremendously to the problems of our Federal Reserve Board in keeping the monetary system in balance to avoid inflation.

If the bill is passed and if the Federal Reserve Board does its duty, the Board will have to impose restrictions some place in our economy in order to balance off this new money supply. This bill may be a shot in the arm to the construction industry, but some other segment of the economy will have to pay.

The alternative would be another round of inflation.

The housing bill should be defeated for many reasons.

The most important of all is that it would heap new fuel on the fires of inflation.

CATASTROPHIC HEALTH INSURANCE FOR THE AGED

Mr. DEVINE. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I want to call to the attention of the House another major step forward in our

society in coping with the problems that confront our older people in meeting their health costs.

On May 3, 1961, the Governor of the State of Connecticut signed into law a measure which will permit the insurance companies doing business in the State of Connecticut to offer catastrophic health insurance to people over 65 at premiums well within the means of most older people.

On June 12, 1961, in carrying out the provisions of this law, Public Act 95, 10 Connecticut insurance companies signed an agreement forming a voluntary unincorporated association to market the plan. Other health insurance companies domiciled in or out of Connecticut are eligible to join this association.

Catastrophic health insurance is one of the greatest needs, not just of our older citizens, but of all people in our society. It is a relatively new idea and it is being purchased by our people in increasing numbers all over the country. Soon I anticipate we will all have it, just as automobile liability insurance is almost universally carried by auto drivers.

The action in Connecticut with the State authorities working with the private sector proves forcibly that we can solve the problems that the great success of our health care program has produced in our society, increasing the life span 10 or 15 years for our people, within the framework of the program without destroying it or moving away from it into a stultifying system of socialized medicine.

I think it is unfortunate that the Secretary of Health, Education, and Welfare, Mr. Ribicoff, has not publicly acclaimed the action of the State of which he was formerly the Governor and the great step forward taken by the private insurance companies. Any step forward in the field of meeting the problems of health care for the aged should be acclaimed by all those who are truly interested in solving these problems.

Many people are beginning to believe that the promoters of a Federal health care for the aged program through the social security system are merely using the problems of the older people as a front to try to bring about the beginning of socialized medicine in our society and care not too much about the aged.

Certainly, their denigration of the Kerr-Mills Act and their behind scenes dragging of feet to discourage the States from implementing this law lends support to this theory. So does their lack of concern for the aged who are not covered by social security. So also does their silence when major steps, like that taken in Connecticut, occur.

I am including after my remarks the statement made by a representative of the insurance industry before the Connecticut Legislature setting forth the plan. I am also including the proposed plan itself.

I want to commend the gentleman from Connecticut [Mr. MONAGAN] for calling this matter to the attention of the Congress on April 18, 1961—CONGRESSIONAL RECORD, page 6121—at the time the matter was pending before the Connecticut Legislature.

STATEMENT IN SUPPORT OF S. 815 AND H.R. 3640—IDENTICAL ACTS CONCERNING AUTHORIZATION FOR INSURANCE COMPANIES TO JOIN TOGETHER TO OFFER TO SENIOR CITIZENS OF CONNECTICUT HEALTH INSURANCE AGAINST MAJOR FINANCIAL LOSS, TO THE INSURANCE COMMITTEE, CONNECTICUT GENERAL ASSEMBLY, MARCH 7, 1961

Mr. Chairman and members of the committee, my name is William N. Seery of West Hartford, Conn. I am vice president of the Travelers Insurance Co., and I am speaking in support of this bill on behalf of Connecticut-chartered insurance companies which now write health insurance in this State.

This bill would authorize any insurance company, domestic or foreign, which writes health insurance in Connecticut to join with other companies in developing and offering to Connecticut's senior citizens comprehensive health insurance coverage against major financial loss.

May I begin by stating our conviction that most senior citizens want to and can take care of their own needs, given an appropriate vehicle. So that they may do so, we propose to offer them an additional insurance opportunity, especially designed to protect against major financial losses due to the cost of medical care. In your consideration of this bill, it may be helpful to review:

First, what health insurance coverages are now available to our senior citizens;

Second, the gaps in coverage which we propose to try to fill if this bill is passed; and,

Third, the reason why we must come to the general assembly for authorization to join together in this endeavor.

I

There are many forms of health insurance coverage now available to those who are 65 years of age or older. An increasing number of employers in Connecticut are continuing group health insurance coverage on their employees after they retire. More than two dozen insurance companies which do business in this State are offering individual health insurance policies on an original issue basis to senior citizens. Senior citizens can also buy original coverage from Blue Cross and Blue Shield. We believe that well over two-thirds of the 240,000 people in Connecticut who are 65 or older now have some form of health insurance protection.

Most of these coverages, however, provide what is known as "basic protection." For example, hospital room and board benefits may run to \$10 or \$15 per day for a limited number of days. Surgery is generally covered under schedules with maximums ranging from \$200 to \$300.

II

This basic coverage is of course very valuable. However, it does not and cannot cover the so-called catastrophic situation—hospital illness of long duration, plus large medical and surgical expenses, the cost of nurses and medicines, all of which may run into thousands of dollars.

In the past decade the health insurance companies have developed what is known as "major medical" or "comprehensive" coverage to meet the need for protection against such catastrophic costs. This coverage is spreading rapidly. Over 600,000 Connecticut citizens now have some form of major medical insurance coverage.

Individuals who are over 65, however, cannot generally buy major medical coverage. These are the people we want to help. To many of our aged citizens, one of the greatest fears is not death itself, but long lingering illness with heavy expenses.

In the health insurance business we are keenly aware of the need for coverage in this type of situation. Many companies, including my own, have studied the problem of how best to offer such protection. In-

dividual insurance companies have not moved aggressively in this field because of many unknown factors, in addition to the large potential liability.

For some time, the health insurance companies of Connecticut have been studying this problem. We want to pool our experience and underwriting capacities to experiment and develop this kind of coverage for older people. We believe they need this protection and will welcome its appearance.

To the extent that we can successfully sell this coverage to individual older people, then to that extent the State of Connecticut will save tax dollars. Many of these people, if they had no such insurance protection, might become "medically indigent" or totally indigent and therefore require State help under present and future welfare programs.

If this bill becomes law, we propose to form a voluntary unincorporated association through which any Connecticut resident who is 65 or older can buy this coverage for himself and his spouse. We propose to operate this program so that any excess of premiums over losses, expenses, and a small risk charge will be used for the benefit of the people insured.

III

I have explained in brief the coverages which are now available to senior citizens and what we propose to offer if this bill becomes law. It remains to answer the question in your mind as to why we must come to the general assembly for authority to embark on this experiment.

The reason is simple. Fifteen years ago in 1945 the U.S. Congress enacted legislation commonly known as the McCarran Act, or Public Law 15. This law says in effect that the Sherman Antitrust Act, the Clayton Act and the Federal Trade Commission Act will not apply to the business of insurance to the extent that the States regulate the activity in question. The bill before you regulates us in this area. If we did not get such authorization from the general assembly, our proposal to join together in joint experiment with a common policy and common premiums might otherwise constitute a violation of these Federal laws.

This is the reason for this bill. You will see from its text that we must file our policies, applications, certificates, and the schedule of premium rates with the Insurance Commissioner. If he finds that these forms are not in the public interest or if he thinks the premium rates are not in line with the benefits, he can call us to account. It is State regulation of this type which Congress had in mind in enacting Public Law 15, 15 years ago.

This is the first time, to our knowledge, that the legislature of any of the 50 States has been requested to grant permission for this kind of an experiment. We think it appropriate that Connecticut assumes such leadership. We cannot undertake this program without action of the general assembly. Therefore, we sincerely hope that you will give the bill a favorable report so that it may become law at the earliest possible date and so that we may start this program for Connecticut senior citizens.

Thank you.

SENIORS HEALTH INSURANCE PLAN PROPOSED BY ASSOCIATED CONNECTICUT HEALTH INSURANCE COMPANIES

The plan would provide major medical expense benefits which may be complemented by a plan of basic hospital-surgical benefits. Each person joining the plan will select one of two levels of major medical expense benefits. If he does not have basic hospital-surgical coverage he may also secure such coverage under the proposed plan.

Eligibility: Any resident of the State age 65 or over may participate in the plan if not confined in a hospital or similar institu-

tion within the 31 days immediately preceding the effective date.

Basic hospital-surgical expense benefits: The basic hospital-surgical expense benefits, available to complement the major medical coverage, pay hospital room and board charges up to \$12 per day for a maximum of 31 days in each calendar year. They also pay up to \$125 per calendar year for other hospital charges. For any surgical procedure, regardless of where performed, they pay the surgeon's fee in accordance with a schedule with a maximum of \$360 per calendar year. For example, up to \$60 is payable for a simple fracture of the ankle, and up to \$210 for gallbladder removal.

Major medical expense benefits: The principal purpose of the plan is to provide protection against the financial drain of the expense of severe illness or injury. Major medical expense benefits, which provide this protection, cover a broad range of hospital, surgical, and medical expenses both in and out of hospital up to a high maximum. After an individual has incurred covered expenses in a calendar year equal to his deductible, the plan pays a portion of the additional covered expenses of that year up to \$2,500, with a maximum of \$10,000 being payable under the high option during the lifetime of the individual. The deductible in each calendar year is \$100, plus the amount of the basic hospital-surgical benefits to which he is entitled under the basic benefits part of the plan or to which he would be entitled if he had elected the basic benefits.

For the purposes of the major medical expense benefits, "covered expenses" consist of two types: A and B. With respect to type A, the plan pays 100 percent of the first \$250 of expenses incurred in a calendar year and 80 percent of the balance. With respect to type B, the plan pays 80 percent of the expense incurred in the calendar year.

Type A medical expenses include hospital room and board charges up to \$18 a day under the high option, plus charges for ancillary hospital services. Under certain circumstances, when an individual is transferred from a hospital to a convalescent hospital the charges of the convalescent hospital will be counted as type A expenses up to \$10 per day under the high option with a maximum of \$900 per calendar year.

Under the high option, type B expenses include surgeon's fees in accordance with a \$600 schedule, physician's fees for other than surgery up to \$6 per day, fees of registered graduate nurses up to \$18 per day. Also included are charges for certain other medical services and supplies when not hospital furnished, such as prescription drugs, X-rays, laboratory examinations, etc.

Under the low option, type A and type B expenses include the same kinds of expenses as under the high option but to a lesser extent. The maximum lifetime benefit is \$5,000 under the low option plan rather than the \$10,000 under the high option plan. The principal exclusions of the plan are as follows: Injuries and diseases covered by workmen's compensation; care for mental and nervous conditions outside a hospital; dental care; expenses paid for under any employer plan or any government plan; diseases and injuries arising out of any war. In addition, no benefits are payable during the first 9 months of coverage for a condition for which the individual had medical expenses during the 90 days preceding the effective date of his coverage.

Preliminary estimates of the monthly cost per individual are: Low option major medical only, \$7.50; high option major medical only, \$10; low option major medical plus basic hospital-surgical, \$14.50; high option major medical plus basic hospital-surgical, \$17.

Modification or termination of coverage: An individual's coverage will not be canceled unless the plan is discontinued for all mem-

bers. However, it is not anticipated that the plan will be discontinued unless a Federal or State program is enacted which makes continuance impractical. In view of the experimental nature of the coverage the plan reserves the right to modify benefit provisions or to revise premium rates.

COLLEGE HOUSING LOAN APPLICATIONS

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. RAINS] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RAINS. Mr. Speaker, the general housing bill will soon be on the floor of the House for consideration. One of the important titles of this omnibus bill would authorize an additional \$1.2 billion in college housing loans in annual increments of \$300 million over a 4-year period.

Currently all available loan funds available to the college housing loan program are exhausted. And it is vital that we provide the necessary additional funds to permit this outstandingly successful program to continue its job of helping our colleges meet the tremendous problem of mounting student enrollments.

Mr. Speaker, a number of our colleagues have asked just how this program would benefit their constituents. For this reason, I am including at this point in the RECORD a listing of the applications now pending before the Community Facilities Administration which cannot be approved or proceed unless the Congress authorizes additional funds. In addition, of course, it should be pointed out that hundreds of other institutions are now in the process of making plans to submit applications to provide the dormitory housing which our institutions of higher learning will need to meet the soaring enrollment which faces them in the immediate years ahead. Mr. Speaker, we must provide the funds necessary to translate these plans into reality.

College housing program pending applications, June 15, 1961

INSTITUTIONS	
	Federal funds
Alabama:	
Stillman College.....	\$70,000
University of Alabama.....	1,181,500
Alaska: Alaska Methodist University.....	1,400,000
Arizona: University of Arizona.....	1,500,000
Arkansas:	
Arkansas State College.....	1,500,000
Arkansas State Teachers College.....	250,000
California: Chapman College.....	562,500
Colorado: Colorado State University.....	436,000
Florida:	
University of Miami.....	1,500,000
Jacksonville University.....	385,000
Florida Presbyterian College.....	2,450,000
Georgia: Oglethorpe University.....	1,570,000
Illinois: Lake Forest University.....	1,000,000
Indiana:	
Indiana University.....	3,525,000
Anderson College.....	500,000

College housing program pending applications, June 15, 1961—Continued

INSTITUTIONS—continued	
	Federal funds
Kentucky:	
Morehead State College.....	\$725,000
Kentucky Wesleyan College.....	485,000
Eastern Kentucky State College.....	2,540,000
Louisiana: Louisiana State University & A&M College.....	2,700,000
Mississippi:	
Mississippi State University of Agriculture and Applied Science.....	750,000
Mississippi Vocational College.....	600,000
New York: Columbia University.....	3,000,000
North Carolina: Pfeiffer College.....	958,000
Ohio: Malone College.....	300,000
Oklahoma: Sayre Junior College.....	180,000
Pennsylvania: Delaware Valley College of Science and Agriculture.....	1,275,000
South Carolina:	
The Columbia College.....	700,000
Morris College.....	200,000
Tennessee:	
Cumberland University.....	194,259
Maryville College.....	950,000
Texas:	
Howard Payne College.....	450,000
Ranger Junior College.....	122,500
Stephen F. Austin State College.....	1,212,500
Texas Technological College.....	3,816,240
Washington: Whitman College.....	550,000
West Virginia: West Virginia Wesleyan College.....	1,450,000
Wisconsin: Milwaukee School of Engineering.....	1,570,000
Total (37 institutions)....	42,558,499

HOSPITALS

California:	
Donald N. Sharp Memorial Community Hospital.....	285,000
The Santa Monica Hospital.....	330,000
The California Hospital.....	812,000
Missouri: Burge-Protestant Hospital.....	166,000
Total (4 hospitals).....	1,593,000

THE FEDERAL TRADE COMMISSION

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include an address.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PATMAN. Mr. Speaker, today, the Honorable Paul Rand Dixon, Chairman of the Federal Trade Commission, addressed the midyear meeting of the Grocery Manufacturers of America, Inc., and discussed with them the role of the Federal Trade Commission and the laws it administers in the promotion of our free and competitive enterprise system.

He stressed the important work of the Commission in maintaining the rules of fairplay in commerce and trade. We are mindful of the attention and consideration President Kennedy has devoted to the Federal Trade Commission and other Federal regulatory agencies and commissions with a view to improving their performance. It appears that Chairman Dixon is undertaking to pro-

vide additional expression and effort in that direction. It is my thought that the Members will be interested in reading what he had to say in the course of his address today. Therefore, I wish to extend and revise my remarks by including at this point a copy of his address. It is as follows:

THE FEDERAL TRADE COMMISSION: BUILDING SOUNDLY FOR GROWTH THROUGH PROMOTION OF A COMPETITIVE ECONOMY

(An address by Hon. Paul Rand Dixon, Chairman of the Federal Trade Commission, to Grocery Manufacturers of America, Inc., Greenbrier, White Sulphur Springs, W. Va., June 19, 1961)

Because of the necessity for emphasizing economic growth in America today, I heartily congratulate you for selecting as the theme of this midyear meeting of GMA: "Building Soundly for Growth—Together." Wanting to place my remarks within the boundaries of your theme, I have entitled them "The Federal Trade Commission: Building Soundly for Growth Through Promotion of a Competitive Economy."

It is most appropriate that I, being Chairman of the Federal Trade Commission, should address myself to this subject, for it is the function of the Federal Trade Commission to promote a competitive economic system, the only sound basis upon which we in America can build for growth. Please accept my sincere thanks for the opportunity to do so.

The Federal Trade Commission investigates, prosecutes, and adjudicates alleged violations of antitrust law. Unfortunately its orders to cease and desist are usually regarded as restraints by those to whom they are directed. The truth is, however, the purpose of all Commission activity is to free the economic system from restraints in order that it may be more nearly competitive. Thus, the true function of the Commission is not to restrain business conduct but to promote the competitive system by freeing it of restraints.

This point of view concerning the function of the Commission and of other administrative agencies, is in marked contrast to that held by some businessmen. Confronted, perhaps almost daily, with the impact of the requirements of these agencies which are felt to be restraints of freedom, these businessmen, or those who speak for them, exhort those who are scornfully referred to as bureaucrats. Perennially they condemn us for allegedly depriving them of their constitutional liberties and for creeping toward, if not galloping further into, socialism.

But, if we review what has occurred in America since the War Between the States, we will see that the growth of industrialism and the growth of democracy have combined to produce these new agencies of Government.

The growth of industrialism—the introduction and development of new mechanical and scientific inventions from railroads to rockets—caused social and economic pressures and maladjustments which could not remain unmodified in our country where more and more citizens were continually gaining and using political power. The democratic forces flowing from ballot boxes forced the Government to find answers to the problems raised by the growing industrialism.

The use of traditional processes of government proved ineffectual. The difficulty was that the Government, in its classic tripartite, and more or less watertight, divisions of legislative, executive, and judicial, was not competent to do the job.

It was not enough, for example, that a shipper, if he could afford it, or a public prosecutor, if he could find time, could sue a railroad for an alleged injury and that a

court would adjudicate the suit. Such isolated and unrelated events could not bring adequate relief to a citizenry which was armed with the right to vote and who felt that the railroads were abusing them by the use of monopoly power.

It became clear that solutions to problems such as this demanded continuous activity by an agency which was endowed with all the necessary powers of government, regardless of whether they were executive, judicial, or legislative, or all three. In time, the Interstate Commerce Commission came into being and slowly developed.

Administrative agencies such as ICC have helped to preserve private enterprise in economic areas where other countries have resorted to governmental operation. State-owned railways, for example, are common throughout the world, but instrumentalities comparable to ICC are rare, if not, in fact, nonexistent.

In contrast with such agencies as the Interstate Commerce Commission, which are interested in almost every aspect of a single industry, is another type which is concerned with a single economic problem in a great many industries. Among the latter type is the Federal Trade Commission, which, together with the Antitrust Division of the Department of Justice, is charged with the maintenance and promotion of competition in all industries except for some exclusions.

The development of different types of administrative agencies, each with powers of government requisite to its task, yet consonant with our Constitution, is a dramatic illustration of the political ingenuity of the American people. Some designed to regulate monopoly, others to promote competition, all have maintained private enterprise. They are not perfect, but they work. And, when they don't work as well as we think they should, we do not destroy them; we devise ways to make them work better. That is American pragmatism, not Soviet socialism.

Prior to the Administrative Procedure Act of 1946, interested parties in and out of Congress directed their attention mostly to the fairness of the administrative process. Now emphasis is focused upon efficiency. The inquiry is: How efficiently is each agency doing the job that its charter authorizes and directs it to do? The Federal Trade Commission has always had just cause to be proud of the fairness of its procedure. Its efficiency score, while not always high, is not unique.

The efficiency of administrative agencies, must be substantially improved, for, as Dean Landis said the other day, "the efficiency of their operation is basic to the continued economic growth of this country under a system of private enterprise." So, we at this meeting, which is wholly devoted to building soundly for growth, are necessarily deeply interested in increasing the efficiency of administrative agencies.

Performance of the task of increasing the efficiency of the Commission is well underway. Every effort is being made to expedite the investigation, trial, and decision of cases. Investigation and trial work will be consolidated. Responsibility for a case from inception to completion will be in one lawyer who will head a team. This will avoid untold delays arising from the present separation of these two functions, such as those caused by conflicts, paperwork, and reviews.

At every stage, use will be made of the quickest, simplest, most inexpensive, and fairest methods. I have in mind, for example, what one branch of the food industry has called mail-order investigations; namely, the use by the Commission of its power to require special reports under section 6 of the Federal Trade Commission Act. Recently, as the result of an investigation which utilized these special reports, the Commission issued 45 consent orders prohibiting

brokerage in the citrus fruit industry. Commenting on this operation, I said that it was "the most equitable way of halting unlawful practices common throughout an industry." I must, however, emphatically warn you that my efforts to achieve fairness by seeking industrywide coverage will fall far short of not requiring anyone to comply until everyone complies. I shall never be a proponent of or be a party to any such "utilitarian" approach to law enforcement.

What promises to be an important time-saver at the adjudication stage is a policy which, to the greatest extent practicable, will require that trials be held at one place and continuously until completed. When hearings are held, as they are now, only for a day or so in each of a great many towns and cities, the time actually spent in presenting evidence is only a small fraction of the total time consumed, even if there are no formal recesses. Of course, when formal recesses, often long and sometimes prolonged, occur between hearing dates, there is a disgraceful waste of time. This must stop.

We are also planning to transfer consent order proceedings from hearing examiners to a special administrative office. Of the cases in which formal complaints are issued, from 70 to 80 percent are settled without trial by means of a consent agreement. It is ridiculous to burden our hearing examiners with this tremendous volume of nonjudicial work. When this heavy load is removed, hearing examiners should become substantially more productive in the disposition of cases which must be litigated.

Appeals to the Commission, both during a hearing before the examiner and also after the hearing examiner has rendered his decision, are destined to be limited. I believe that appeals to the Commission during the course of a trial should be completely eliminated. They are misused to cause delay. No one will prejudice any right by waiting, as in judicial practice, until the trial is complete before seeking to appeal.

But even an appeal on the hearing examiner's initial decision, after the close of the hearings, should not be, as it is now, a matter of right regardless of how inconsequential the points are which are sought to be raised. Justice can be served and time can be saved by permitting appeals to the Commission at this time only with respect to issues that counsel, in a petition for review, can show are of substantial importance. Respondent's right to review by a court would not be affected by these changes designed to prevent appeals from being used to buy time within which to continue challenged conduct.

All of the foregoing aids to increased efficiency derive from changes in the organization and rules of practice and procedure of the Commission which it can make on its own initiative.

Further efficiencies would undoubtedly result from delegations by the Commission of some functions to lower levels. Reorganization Plan No. 4 of 1961, which the President submitted to Congress on May 9, 1961, would provide the Commission with additional authority to delegate functions and also transfer from the Commission to the Chairman the authority to assign employees to perform such functions. This plan would remove any doubt as to the power of the Commission to make such delegations as may be appropriate in the interest of efficiency.

The matter of delegating functions furnishes me with a welcome opportunity to praise the Commission's staff. It is peopled with many recognized experts, whose expertise is the result of great ability, long applied. Decisionmaking can confidently be entrusted to them. Commissioners come and Commissioners go, but these dedicated civil servants, who have devoted all or most of their professional lives thus far to the work of the Commission, really constitute the Commission as an institution.

Further possibilities of improving the efficiency of the Federal Trade Commission are on the legislative horizon. Again in this session of Congress, there is a proposal to require that the Commission be notified of, and supplied with certain information covering, proposed mergers of potential significance, and also to give the Commission power to issue orders holding up a merger until its legality can be adjudicated. This measure would go far toward expediting and making effective the Commission's anti-merger work.

Notification of intended mergers would relieve the Commission, and the Antitrust Division, of the burdensome search for that which can be readily supplied. A requirement that bans be posted for corporate marriages can only result in preventing undesirable unions—desirable ones will be promoted.

Giving the Commission the power to temporarily enjoin a merger until it is adjudicated on the merits would, perhaps for the first time, allow the Commission to fulfill completely the destiny that was foreseen for it at its creation—to stop anticompetitive practices in their incipency. In the merger field, such temporary orders would be used only to require the separate operation of the corporate parties to a proposed merger until the effect could be determined. This is necessary because joint operation during trial almost inevitably results in scrambling them to the point where they cannot be unscrambled if the merger is found to be unlawful.

The Commission, moreover, favors preliminary injunctive powers not only for merger cases, but for all instances in which it issues cease-and-desist orders. Unless the Commission is given the power to issue preliminary cease-and-desist orders, the Commission will never be able to achieve its full potential.

As I have said, the function of the Federal Trade Commission is to help industry grow within the framework of our competitive economic system. The Commission does this, primarily, by enforcing several statutes, principally the Federal Trade Commission Act and the Clayton Antitrust Act, as amended by the Robinson-Patman Act.

The nature of these statutes is most interesting. Nowhere will you find that anyone is affirmatively commanded or required to compete. Competition is to be achieved by providing an economic climate in which competition should flourish. This is to be accomplished by preventing monopolization, attempts to monopolize, restraints of trade, and unfair or deceptive acts, practices, or methods of competition. Included also are specific prohibitions with respect to such things as mergers, price and service discriminations, pseudo brokerage, exclusive dealing, and interlocking directors.

This presents to even well-intentioned businessmen quite an imposing array of possibilities for law violation, and it would appear that members of the food industry have missed few, if any, of the possibilities. Historically, the food industry has been afflicted by almost every species of non-competitive practice. As a result grocery manufacturers, grocery retailers, and others in the food industry, have received a lot of the Commission's attention over the years.

And they are not exactly being ignored now. About 40 percent of all antimonopoly complaints now pending at the Commission involve the food industry. Included in these complaints are those charging a violation of the Robinson-Patman amendment of the Clayton Act, of which about 50 percent are food cases, and those charging mergers in violation of section 7 of the Clayton Act, of which about 30 percent involve members of the food industry.

Of the antimonopoly complaints issued in the first 11 months of this fiscal year, about 50 percent named firms dealing in food.

Turning to orders to cease and desist issued so far in this fiscal year in the antimonopoly field, approximately 70 percent were concerned with food. This included two merger orders—the only merger orders issued by the Commission.

Since its organization in 1915, the Commission has made approximately 25 economic investigations of one or more aspects of the food industry. In 1958, just prior to undertaking its current economic inquiry into food marketing, the Commission considered investigating a number of other industries. Food was selected fairly quickly, however, because, as stated in the resolution authorizing the inquiry, a substantial percentage of all the Commission's antimonopoly investigations had related to alleged violations in the food industry, and the Commission had received many complaints about concentration of economic power and the use of unfair methods of competition in the industry.

The current food marketing inquiry will be in two parts. Part I, dealing with concentration and integration at the retail level, was published in May 1961. Part II, which will be concerned with supplier groups, was launched last summer, and an interim report covering frozen foods was released in February 1961.

The part I report shows a substantial vertical integration movement among chain stores and heavy concentration in their sales. Concentration by acquisition was much in evidence, with a dramatic increase after 1955. All of this points to an increase in the economic power of the chains.

Part II, concerned with a similar structural study of suppliers, will include an examination of the effect on them of the growing economic power of the chains. The interim report in this area on frozen food, for example, shows that there is a rather high sales concentration in the big freezers who, bloated by recent mergers, stand out from quite a large number of small concerns, and also that there is an affinity between big freezers and big chains.

Work is progressing on this inquiry, but it is far from complete. The results will be important, for noncompetitive patterns and trends which are brought to light will be studied to determine the necessity, scope, and direction of future enforcement activity.

You may be sure that the Commission will continue and, to the extent that increased funds and efficiency permit, will increase its efforts to promote competition in the food industry as well as in other industries by the application of all of the statutes which it administers.

Because today, June 19, 1961, is the 25th anniversary of the passage of the Robinson-Patman Act on June 19, 1936, I should like to believe that your regard for this statute is so high that you deliberately planned this meeting on its birthday to accord it the praise which it so richly deserves.

In any event, I salute the Robinson-Patman Act, wish it many happy returns of the day, and pledge myself to do all that I lawfully can to assist it in becoming what it was designed to be—the charter of freedom for businessmen, both large and small, to operate in a competitive economy.

Born during the great depression of the discriminatory practices which were developing chain stores at the expense of their small rivals, nourished by an investigation of those chains and practices by the Federal Trade Commission, the Robinson-Patman amendment to section 2 of the Clayton Antitrust Act of 1914 has had, it seems to me, more scorn and less approval heaped upon it than any of the other antitrust laws. In view of the identity of its friends and its enemies, this speaks well for the legislation, for

statutes, like men, can be judged by their enemies as well as their friends.

Concede that the syntax of the legislation leaves something to be desired. Admit that it does not readily lend itself to being parsed. These things are only the scars of vigorous legislative combat. Its substance, nevertheless, is both sound and clear.

The substance of the statute is that the economic discriminations with which it deals violate, on their face, the concept of freedom of opportunity inherent in both our competitive economic system and in our democratic political system; but that, despite this, some of these discriminations shall not be prohibited unless their tendency to destroy competition specifically appears to be probable and unless they cannot be justified by bringing them within the scope of other concessions found necessary in order to accommodate imperfections that must be lived with in a necessarily imperfect world.

Of all the criticisms made of the Robinson-Patman Act the one which is most astonishing to me is the contention that it is inconsistent with the Sherman Act.

It would be logical for one to expect that those who voice this criticism are staunch defenders of—no, more than that—rampant crusaders for a strict interpretation of the Sherman Act, and that price and other discriminations are competitive practices permitted by that statute.

Of course, such is not the case. Price discriminations may be and have been of such magnitude and duration that they violate or contribute to a violation of the Sherman Act.

Discriminations of far less magnitude and of shorter duration than those which violate the Sherman Act are prohibited by the Robinson-Patman Act but that is what was intended. It was designed to supplement the antitrust laws by stopping monopolistic practices in their incipency instead of waiting until they have ripened into Sherman Act violations.

The Robinson-Patman Act, then, requires closer adherence to competitive standards and at an earlier time than does the Sherman Act. The Robinson-Patman Act in its prohibitions therefore requires and promotes harder and more nearly perfect competition than the Sherman Act; and, in my opinion, some of those who contend to the contrary may well be apologists for monopolistic power and practices who cloak their position by calling it "workable competition," a euphemism for an economy that can satisfy the Sherman Act only after very generous applications of the so-called rule of reason, a euphemism for the process of finding that Congress doesn't mean what it says.

As stated in your theme, we must build for growth together. Without your cooperation the Commission cannot successfully perform its function. It needs you to help it promote the competitive system. If you should ask me how you can do this, I would suggest that you emulate some early American businessmen in Philadelphia, whose "peculiar practices"—the truthful labeling of merchandise, the habit of offering goods for sale at a single open price—did much to make them both trusted and rich.¹

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. RIVERS of Alaska, for June 19 through June 21, on account of illness in family.

Mr. HAGAN of Georgia (at the request of Mr. DOYLE) for today, June 19, 1961, on account of death in family.

¹ Chamberlain, John, "A History of American Business," *Fortune*, May 1961, pp. 135-136.

Mr. BURKE of Kentucky, for Tuesday, June 20, and Wednesday, June 21, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. CURTIS of Missouri (at the request of Mr. DEVINE), for 1 hour on June 28.

Mr. SCHWENGEL (at the request of Mr. DEVINE), on June 20 for 1 hour.

Mr. CONTE (at the request of Mr. DEVINE), on June 20 for 30 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. WALTER and to include an address he delivered on Saturday.

Mr. JOHNSON of Wisconsin.

Mr. LESINSKI.

Mr. CONTE and to include extraneous matter.

Mr. DOYLE, immediately before the passage of H.R. 1935, No. 108 on the Consent Calendar, and all Members who may desire to do so.

Mr. JONAS, to revise and extend his remarks made in the Committee of the Whole and to include tables and extraneous matter.

Mr. AVERY (at the request of Mr. DEVINE) to revise and extend the remarks he made in the Committee of the Whole and include extraneous matter.

Mr. ALGER.

(The following Members (at the request of Mr. DEVINE) and to include extraneous matter:)

Mr. NYGAARD.

Mr. CURTIS of Missouri.

Mr. YOUNGER.

Mr. KEITH.

Mr. SAYLOR.

(The following Members (at the request of Mr. JOHNSON of California) and to include extraneous matter:)

Mr. FLOOD.

Mr. McDOWELL.

Mr. DENTON.

Mr. DADDARIO.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 158. An act to confer upon the domestic relations branch of the municipal court for the District of Columbia jurisdiction to hear and determine the petition for adoption filed by Marie Tallaferro; to the Committee on the District of Columbia.

S. 558. An act to amend the acts of March 3, 1901, and June 28, 1944, so as to exempt the District of Columbia from paying fees in any of the courts of the District of Columbia; to the Committee on the District of Columbia.

S. 559. An act to amend the District of Columbia Traffic Act, 1925, as amended; to the Committee on the District of Columbia.

S. 561. An act to amend the act relating to the small claims and conciliation branch of

the municipal court of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 564. An act to provide for apportioning the expense of maintaining and operating the Woodrow Wilson Memorial Bridge over the Potomac River from Jones Point, Va., to Maryland; to the Committee on the District of Columbia.

S. 588. An act to amend the act of May 29, 1930, in order to increase the authorization for funds for the extension of certain projects from the District of Columbia into the State of Maryland, and for other purposes; to the Committee on Public Works.

S. 884. An act to authorize the Secretary of Commerce to procure the services of experts and consultants; to the Committee on Post Office and Civil Service.

S. 1291. An act to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits; to the Committee on the District of Columbia.

S. 1371. An act to amend subsection (e) of section 307 of the Communications Act of 1934, as amended, to permit the Commission to renew a station license in the safety and special radio services more than 30 days prior to the expiration of the original license; to the Committee on Interstate and Foreign Commerce.

S. 1644. An act to provide for the indexing and microfilming of certain records of the Russian Orthodox Greek Catholic Church in Alaska in the collections of the Library of Congress; to the Committee on House Administration.

S. 1651. An act to authorize the Commissioners of the District of Columbia to delegate the function of approving contracts not exceeding \$100,000; to the Committee on the District of Columbia.

S. Con. Res. 23. Concurrent resolution to print additional copies of part I of hearing on migratory labor; to the Committee on House Administration.

S. Con. Res. 24. Concurrent resolution relating to printing of publications of the Internal Security Subcommittee of the Senate Committee on the Judiciary; to the Committee on House Administration.

S. Con. Res. 27. Concurrent resolution authorizing the printing as a Senate document of the proceedings of the National Water Research Symposium; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of this House of the following titles, which were thereupon signed by the Speaker:

H.R. 2972. An act for the relief of Mrs. Cornelia Fales; and

H.R. 7218. An act to provide that the authorized strength of the Metropolitan Police force of the District of Columbia shall be not less than 3,000 officers and members.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on June 15, 1961, present to the President, for his approval, bills of the House of the following titles:

H.R. 311. An act to authorize the acceptance by the Government of gifts to be used to reduce the public debt;

H.R. 1877. An act relating to the effective date of the qualification of Plumbers Union

Local No. 12 pension fund as a qualified trust under section 401(a) of the Internal Revenue Code of 1954, and for other purposes;

H.R. 5000. An act to authorize certain construction at military installations, and for other purposes; and

H.R. 6094. An act to amend section 4 of the Employment Act of 1946.

ADJOURNMENT

Mr. JOHNSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 57 minutes p.m.) the House adjourned until tomorrow, Tuesday, June 20, 1961, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1045. A letter from the Chairman, Federal Communications Commission, transmitting a draft of a proposed bill entitled "A bill to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain regulatory authority over television receiving apparatus"; to the Committee on Interstate and Foreign Commerce.

1046. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of James Wong Teng, A11925176, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

1047. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Domingo Contreras, A4386589, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of June 15, 1961, the following bills were reported on June 16, 1961:

Mr. MILLS: Committee on Ways and Means. H.R. 3385. A bill to provide for the free entry of an electron microscope for the use of Wadley Research Institute of Dallas, Tex.; with amendment (Rept. No. 546). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Appropriations. H.R. 7712. A bill making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes; without amendment (Rept. No. 547). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOYKIN: Committee on Merchant Marine and Fisheries. H.R. 1159. A bill to amend the Merchant Marine Act, 1936, in order to eliminate the 6 percent differential applying to certain bids of Pacific coast shipbuilders; with amendment (Rept. No. 548). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 7677. A bill to increase for a 1-year period the public debt limit set forth in section 21 of the Second Liberty Bond

Act; without amendment (Rept. No. 549). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 19, 1961]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAVIS of Tennessee: Committee on Public Works. H.R. 6676. A bill to designate the Kettle Creek Dam on Kettle Creek, Pa., as the Alvin R. Bush Dam; without amendment (Rept. No. 550). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, pursuant to the order of the House of June 15, 1961, the following bill was introduced June 16, 1961:

By Mr. THOMAS:

H.R. 7712. A bill making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes.

[Introduced and referred June 19, 1961]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KEOGH:

H.R. 7713. A bill to amend section 170(b) (1) of the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. MCINTIRE:

H.R. 7714. A bill to amend section 17 of the Small Business Act to provide that property acquired by the Small Business Administration as the result of lending operations shall be subject to State and local taxation; to the Committee on Banking and Currency.

By Mr. MILLER of New York (by request):

H.R. 7715. A bill to amend the Agricultural Adjustment Act of 1933, as amended, relative to marketing of apples; to the Committee on Agriculture.

By Mr. MOSS:

H.R. 7716. A bill to authorize the modification of the existing project for the New Melones Dam and Reservoir, Stanislaus River, Calif., and for other purposes; to the Committee on Public Works.

By Mr. O'NEILL:

H.R. 7717. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer or spouse who has had laryngectomy; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 7718. A bill to provide disability retirement benefits for civilian employees of the Government in certain additional cases; to the Committee on Post Office and Civil Service.

By Mr. RIVERS of South Carolina:

H.R. 7719. A bill to amend section 6(d) of the Universal Military Training and Service Act (50 App. U.S.C. 456(d)) to authorize certain persons who complete a Reserve Officers' Training Corps program to be appointed as commissioned officers in the Coast and Geodetic Survey; to the Committee on Armed Services.

By Mr. VINSON:

H.R. 7720. A bill to amend chapter 147 of title 10, United States Code, to authorize the Secretary of Defense, or his designee, to dispose of telephone facilities by negotiated sale; to the Committee on Armed Services.

H.R. 7721. A bill to authorize the Secretary of the Army to adjust the legislative jurisdiction exercised by the United States over lands within the Fort Sheridan Military Reservation, Ill.; to the Committee on Armed Services.

H.R. 7722. A bill to amend section 3579, title 10, United States Code, to provide that

commissioned officers of the Medical Service Corps may exercise command outside the Army Medical Service when directed by proper authority; to the Committee on Armed Services.

H.R. 7723. A bill to amend section 303(a) of the Career Compensation Act of 1949 by increasing per diem rates and to provide reimbursement under certain circumstances for actual expenses incident to travel; to the Committee on Armed Services.

H.R. 7724. A bill to provide for advances of pay to members of the armed services in cases of emergency evacuation of military dependents from overseas areas and for other purposes; to the Committee on Armed Services.

H.R. 7725. A bill to authorize the Secretary of the Army to reconvey to the town of Malone, N.Y., certain real property heretofore donated by said town to the United States of America as an Army Reserve center and never used by the United States; to the Committee on Armed Services.

H.R. 7726. A bill to authorize the loan of naval vessels to friendly foreign countries and the extension of certain naval vessel loans now in existence; to the Committee on Armed Services.

H.R. 7727. A bill to amend title 10, United States Code, to permit members of the Armed Forces to accept fellowships, scholarships, or grants; to the Committee on Armed Services.

H.R. 7728. A bill to amend title 10, United States Code, to authorize the Secretary of a military department to sell goods and services to the owner of an aircraft or his agent in an emergency, and for other purposes; to the Committee on Armed Services.

By Mr. WESTLAND:

H.R. 7729. A bill to provide an adequate, balanced, and orderly flow of milk and dairy products in interstate and foreign commerce; to stabilize prices of milk and dairy products; to impose a stabilization fee on the marketing of milk and butterfat; and for other purposes; to the Committee on Agriculture.

By Mr. BERRY:

H.R. 7730. A bill to authorize the Secretary of Agriculture to macadamize a portion of road leading to the U.S. Department of Agriculture field station outside the town of Newell, S.Dak.; to the Committee on Agriculture.

By Mr. CELLER:

H.R. 7731. A bill to fix the fees payable to the Patent Office and for other purposes; to the Committee on the Judiciary.

By Mr. KEARNS:

H.R. 7732. A bill to amend the District of Columbia Redevelopment Act of 1945 to provide for the restoration of the home of John Philip Sousa, to provide for the development by the National Capital Planning Commission of a long-range plan for a stable residential and business area on Capitol Hill which shall represent the best in our Nation's architectural history, and to encourage private industry to provide hotels and restaurants on Capitol Hill to serve those constituents and that part of the more than 7 million American and foreign visitors to the National Capital annually who desire such accommodations in the area; to the Committee on the District of Columbia.

By Mr. SHORT:

H.R. 7733. A bill to amend the Soil Bank Act, as amended, to provide a uniform procedure for the alleviation of damage, hardship, or suffering caused by severe drought, flood, or other natural disaster, and for other purposes; to the Committee on Agriculture.

By Mr. NYGAARD:

H.R. 7734. A bill to amend the Soil Bank Act, as amended, to provide a uniform procedure for the alleviation of damage, hardship, or suffering caused by severe drought, flood, or other natural disaster, and for other purposes; to the Committee on Agriculture.

By Mr. ANDERSON of Illinois:

H.J. Res. 454. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.J. Res. 455. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DOWDY:

H.J. Res. 456. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KUNKEL:

H. Res. 347. Resolution declaring the Eastern Orthodox Church to be a major faith in the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of New Hamp-

shire, memorializing the President and the Congress of the United States to advise the Government of the United States to continue to use all the resources at its command to halt the further spread of Soviet colonialism, which was referred to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BOLTON:

H.R. 7735. A bill for the relief of Maria Marinelli Verrocchi; to the Committee on the Judiciary.

By Mr. COOLEY:

H.R. 7736. A bill to amend the act of May 13, 1960 (Private Law 86-286); to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.R. 7737. A bill for the relief of Dr. Gloria Enrile Punzalan; to the Committee on the Judiciary.

H.R. 7738. A bill for the relief of Dr. Serafin Punzalan; to the Committee on the Judiciary.

By Mr. LANE:

H.R. 7739. A bill for the relief of Arthur C. Berry and others; to the Committee on the Judiciary.

H.R. 7740. A bill for the relief of Mrs. Sharon Lee Harden; to the Committee on the Judiciary.

By Mr. PIKE:

H.R. 7741. A bill to permit the vessel *Lucky Linda* to be documented for limited use in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. ROGERS of Florida:

H.R. 7742. A bill to convey all right, title, and interest of the United States in and to certain lands in Lee County, Fla., to E. Glenn Grimes and William C. Grimes; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

182. Mr. McCULLOCH presented a resolution of the Board of Education, Wapakoneta, Ohio, in opposition to Federal aid to education which was referred to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

Address by Congressman Francis E. Walter, of Pennsylvania, Department of Pennsylvania, Inc., Catholic War Veterans, State Convention, Saturday, June 17, 1961

EXTENSION OF REMARKS

OF

HON. FRANCIS E. WALTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1961

Mr. WALTER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address:

Mr. Toastmaster, distinguished guests, and officers and members of the Catholic War Veterans, Department of Pennsylvania, I appreciate most deeply your conferring

this award upon me and thank you for it. It has, and always will have, special meaning to me because of the organization it comes from and the men it represents.

The Catholic War Veterans was organized in 1935, primarily for the purpose of uniting the Catholic veterans of this country in fighting communism. While there are some among us who still cannot see the evil and danger communism represents, the founders of your organization saw it clearly 26 years ago—and have never lost sight of it since then.

They chose as your motto, the words "For God, Country, and Home." In doing so, they expressed clearly not only the foundations of Americanism, but also the reasons why all of us should—and must—fight communism with all our strength.

I have often thought that the major reason why the Communists have been able to hand us a series of serious setbacks in recent years is because too many Americans have forgotten or lost the ideals expressed in your motto—religion, patriotism, and, finally, the family as the core and founda-

tion of our way of life. For too many years there has been, in our so-called intellectual circles and in our schools, colleges, and universities, far too much mockery and subverting of these virtues.

It is because you have not forgotten these things that the Catholic War Veterans is still most active in fighting the Red Fascist enemies of our country and our homes. And, it is for this reason, too, that I feel indebted to your organization and particularly honored in the award you have conferred upon me.

On more than one occasion in the recent past, I have looked back over the 29 years I have spent in our National Legislature and have tried to assess them in the light of how much I have been able to do for my country. I have come to the conclusion that, without any doubt, the work which has been most productive from the viewpoint of our national welfare—and the work that has given me the greatest personal satisfaction—has been the 12 years I have served on the Committee on Un-American Activities, the last 6 of them as chairman.